

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. ) CRIMINAL CASE NO. CCB-16-0267  
DANTE BAILEY, et al., )  
Defendants. )  
\_\_\_\_\_ )

Tuesday, April 9, 2019  
Courtroom 1A  
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE  
(AND A JURY)

VOLUME XIII

For the Plaintiff:

Christina Hoffman, Esquire  
Lauren Perry, Esquire  
Assistant United States Attorneys

For the Defendant Dante Bailey:

Paul Enzinna, Esquire  
Teresa Whalen, Esquire

Reported by:

Douglas J. Zweizig, RDR, CRR, FCRR  
Federal Official Court Reporter  
101 W. Lombard Street, 4th Floor  
Baltimore, Maryland 21201

1 For the Defendant Randy Banks:

2 Brian Sardelli, Esquire

3 For the Defendant Corloyd Anderson:

4 Elita Amato, Esquire

5  
6 For the Defendant Jamal Lockley:

7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

10  
11 For the Defendant Sydni Frazier:

12 Christopher Davis, Esquire

13  
14 Also Present:

15 Special Agent Christian Aanonsen, ATF

P R O C E E D I N G S

(10:02 a.m.)

**THE COURT:** Good morning, everyone.

Let's see. Ready for the jury and the first witness?

**MR. ENZINNA:** Your Honor, there is one issue I'd like to raise with the Court before Agent Wilde testifies. But I'm told he's not until the third witness, so we don't need to do it now.

**THE COURT:** Okay. Let's do it later and get started with the jury at 10:00.

I assume your witness is available,  
Detective Niedermeier.

**MS. HOFFMAN:** Yes.

(Jury entered the courtroom at 10:04 a.m.)

**THE COURT:** All right. Welcome back, ladies and gentlemen. I think we're actually ready to get started.

Ms. Hoffman.

**MS. HOFFMAN:** The Government calls Gary Niedermeier.

**THE CLERK:** Please raise your right hand.

DETECTIVE GARY NIEDERMEIER, GOVERNMENT'S WITNESS, SWORN.

**THE CLERK:** Please be seated.

Please speak directly into the microphone.

State and spell your full name for the record, please.

**THE WITNESS:** Detective Gary Niedermeier. G-A-R-Y.

N, as in Nancy; I-E; D, as in David; E-R; M, as in Mary;

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1 E-I-E-R.

2 **THE CLERK:** Thank you.

3 DIRECT EXAMINATION

4 **BY MS. HOFFMAN:**

5 **Q.** Good morning, Detective Niedermeier.

6 **A.** Good morning, ma'am.

7 **Q.** Where are you employed?

8 **A.** Baltimore City Police Department.

9 **Q.** And what's your unit and title?

10 **A.** I'm a Homicide detective.

11 **Q.** How long have you worked for the BPD?

12 **A.** I'm in my 23rd year.

13 **Q.** And how long have you been a Homicide detective?

14 **A.** I'm in my 18th year.

15 **Q.** Approximately how many homicides have you investigated as  
16 the lead detective?

17 **A.** As a lead detective, approximately 125 cases.

18 **Q.** And approximately how many homicides have you assisted in  
19 the investigation of?

20 **A.** Unfortunately, over 18 years, I would guess around a  
21 thousand.

22 **Q.** I want to direct your attention to August 10th of 2016.

23 Were you the lead detective on a homicide that occurred on that  
24 day?

25 **A.** Yes.

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1 Q. Who was the victim of the homicide?

2 A. He was later identified as Ricardo Johnson.

3 Q. I'm going to show you Government's Exhibit IND-54.

4 Who are we looking at there?

5 THE COURT: There's nobody on my screen.

6 MS. HOFFMAN: Oh.

7 THE COURT: Is the jury seeing anything?

8 THE JURY: Yes.

9 MS. HOFFMAN: That was my fault.

10 BY MS. HOFFMAN:

11 Q. Is that showing up on your screen there?

12 A. It is.

13 Q. And who are we looking at in Government's Exhibit IND-54?

14 A. That's Ricardo Johnson.

15 Q. Approximately what time did you get the call about the  
16 homicide?

17 A. I was notified at 6:25 a.m.

18 Q. And that's on August 10th?

19 A. Yes.

20 Q. Where was the victim located?

21 A. The 2200 block of Kloman.

22 Q. And I'm going to show you Government's Exhibit MAP-40.

23 Can you tell us what we're looking at here.

24 A. It's an aerial view. And where the flag is, that's the  
25 2200 block of Kloman down in South Baltimore, the Westport

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1 area.

2 Q. And I'm going to show you Government's Exhibit MAP-41.

3 And can you tell what we're looking at here.

4 A. Yes. It's a map of the city.

5 Q. And can you identify where the 2200 block of Kloman Street  
6 is on this map.

7 A. In the low center.

8 Q. Thank you.

9 Did you respond to the scene in the 2200 block of Kloman?

10 A. I did.

11 Q. And approximately what time did you arrive at the scene?

12 A. Approximately 7:10 a.m.

13 Q. What did you find when you arrived?

14 A. Upon my arrival, the scene had been secured by Maryland  
15 Transportation Authority Police and members of the  
16 Southern District.

17 Once I got there, I observed a blue-green van parked  
18 directly next to the Light Rail tracks.

19 The sliding door facing the tracks was open. There was a  
20 male inside behind the driver's compartment with his feet  
21 hanging out.

22 Q. And who was that male identified to be?

23 A. He was later -- he was later identified to be  
24 Ricardo Johnson.

25 Q. What was the victim's condition when you arrived?

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1     **A.**    He was deceased.

2     **Q.**    And were you able to tell whether he had injuries?

3     **A.**    Yes.

4     **Q.**    And what were you able to tell?

5     **A.**    Well, based on the crime scene and making observations of  
6     Mr. Johnson, it appeared he had been shot multiple times.

7     **Q.**    How was the victim dressed?

8     **A.**    He was dressed in a pair of shorts, a T-shirt. He didn't  
9     have any shoes on.

10    **Q.**    And how was he positioned in the vehicle?

11    **A.**    He was facedown across the cabin part of the vehicle with  
12    his hands tied behind his back and his feet bound with a blue  
13    bandana around his head.

14    **Q.**    Was there any evidence recovered from the crime scene?

15    **A.**    Yes.

16    **Q.**    Can you give us a general overview of what was recovered.

17    **A.**    From the scene inside the van and just to the exterior of  
18    it, 21 9-millimeter shell casings, two projectiles, numerous  
19    zip ties.

20           There was a shoe, a set of gloves, and some burned paper  
21    napkins that were stuck into the gas tank of the vehicle.

22    **Q.**    And can you explain a little bit more what -- how did the  
23    gas tank appear?

24    **A.**    The -- the gas tank was on the opposite side of the open  
25    door where the victim was located. The gas tank had been

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1 opened, and the cap had been removed from it. Paper napkins  
2 had been stuffed into the mouth of the gas tank, and they were  
3 burned.

4 Q. Was there anything else unusual about the van in which the  
5 victim was found?

6 A. Yeah. Immediately, it became apparent that it appeared  
7 that the van had been stolen.

8 Q. And why was that?

9 A. The window -- the window of the van and the door had been  
10 pried back. And once we made an observation, you could see  
11 that the ignition of the van had been popped. There was no  
12 ignition in the ignition.

13 Q. Were photographs taken at the crime scene?

14 A. Yes.

15 Q. I'm going to show you some photographs, starting with  
16 Government's Exhibit CS-7-1.

17 What are we looking at here?

18 A. That's a picture taken on that date of the van.

19 Q. And can you describe for the record where the van is  
20 parked.

21 A. So that's in the 2200 block of Kloman Street. I guess it  
22 would be the north side, parked right along the Light Rail  
23 tracks.

24 Q. I'm going to show you CS-7-2.

25 What are we looking at here?



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1   **A.**   A picture on the same date from a different angle of the  
2   van.  You can see that the gas tank's open.

3   **Q.**   I'm going to show you CS-7-3.

4       What are we looking at here?

5   **A.**   It's a picture taken standing right next to the tracks  
6   where you can see the open passenger rear sliding door and the  
7   victim's feet, I'm sorry, sticking out.

8   **Q.**   I'm going to show you CS-7-6.

9       Can you tell us what we're looking at here.

10  **A.**   Yes.  That's a picture of Ricardo Johnson the way he was  
11  found that morning.

12  **Q.**   And CS-7-8.

13       Can you tell us what we're looking at here.

14  **A.**   It's a close-up of Mr. Johnson still in the same position  
15  he was found from within the van.

16  **Q.**   And can you describe for the record what's around his  
17  hands.

18  **A.**   Shoelaces.

19  **Q.**   And what about around his face?

20  **A.**   A blue bandana.

21  **Q.**   I'm going to show you CS-7-10.

22       What are we looking at here?

23  **A.**   It's a picture of the far side of the van where the gas  
24  tank is open.  You can see that it's open.  But a better  
25  picture, closer picture, you can see the burned material that

1 was stuffed into the gas tank.

2 Q. And let me show you CS-7-11.

3 Is this a closer view of the gas tank?

4 A. It is.

5 Q. And CS-7-12.

6 And what are we looking at here?

7 A. That's a close-up of the paper that was stuck into the gas  
8 tank in an attempt to burn it.

9 Q. I'm going to show you CS-7-13.

10 What are we looking at here?

11 A. Those are yellow crime scene markers placed by the crime  
12 lab. They identify pieces of evidence. All of those -- I  
13 think there was one projectile that was out there and the rest  
14 are all 9-millimeter shell casings.

15 Q. And can you describe for the record where they are in  
16 relation to the van.

17 A. Just to the -- right where the open door is.

18 Q. Based on the location of the casings and projectiles that  
19 were found at the scene, did you form an opinion as to where  
20 Mr. Johnson was murdered?

21 A. Yes.

22 Q. And can you explain.

23 A. Well, based on the way that the -- the vehicle's located,  
24 where the shell casings are, some were recovered inside the  
25 van. And the majority of 'em right there on the outside,

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1 Mr. Johnson was killed right -- right where he was found.

2 Q. I'm going to show you Government's Exhibit CS-7-14.

3 What are we looking at here?

4 A. It's a close-up picture with the shell casings and  
5 projectile marked.

6 Q. And CS-7-15.

7 What are we looking at here?

8 A. Yeah. That's the projectile recovered from the outside of  
9 the vehicle.

10 Q. CS-7-16?

11 A. A 9-millimeter shell casing recovered.

12 Q. CS-7-17?

13 A. Another 9-millimeter shell casing.

14 Q. CS-7-18?

15 A. Once again, another 9-millimeter.

16 Q. CS-7-19?

17 A. Two more 9-millimeter shell casings.

18 Q. CS-7-20?

19 A. Another 9-millimeter shell casing.

20 Q. CS-7-21?

21 A. Another 9-millimeter shell casing.

22 Q. CS-7-22?

23 A. Another 9-millimeter shell casing.

24 Q. CS-7-23?

25 A. And another.

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1 Q. CS-7-24?

2 A. It's a 9-millimeter shell casing. That's recovered from  
3 the area right next to the tracks on the -- there's rocks that  
4 come along the railroad -- or the Light Rail tracks.

5 Q. And CS-7-25?

6 A. Another 9-millimeter recovered there.

7 Q. CS-7-26?

8 A. A 9-millimeter shell casing.

9 Q. CS-7-27?

10 A. Another 9-millimeter.

11 Q. CS-7-28?

12 A. And another 9-millimeter.

13 Q. CS-7-29?

14 A. 9-millimeter shell casing.

15 Q. CS-7-30.

16 What are we looking at here?

17 A. It's a facial view of Ricardo Johnson after he had been  
18 removed from the van.

19 Q. CS-7-31?

20 A. More of an overall of Mr. Johnson.

21 Q. Can you see the -- can you make out the tattoo on his arm  
22 there (indicating).

23 A. Yes.

24 Q. And what does that say?

25 A. "Ricky."

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1 Q. I'm going to show you CS-7-32.

2 What are we looking at here?

3 A. This is the compartment of the van after Mr. Johnson had  
4 been removed.

5 Q. And can you tell us what's inside the van.

6 A. Once again, the markers mark evidence recovered.

7 19 and 20 appear to be shell casings.

8 18, I believe, is a projectile.

9 The sneaker there, the set of gloves, all found in the  
10 passenger compartment of the van.

11 Q. I'm going to show you CS-7-33.

12 And is that a close-up view?

13 A. Yes.

14 Q. CS-7-34.

15 What are we looking at here?

16 A. That's the Marker 17. It's a 9-millimeter shell casing  
17 actually found inside the van.

18 Q. CS-7-35?

19 A. And that was marked by 18. That is the projectile from  
20 inside the van.

21 Q. CS-7-36?

22 A. And 9-millimeter shell casing from within the van.

23 Q. CS-7-37?

24 A. That's a close-up of another 9-millimeter and the gloves  
25 that were located in the van.

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1 Q. CS-7-38?

2 A. Another 9-millimeter from in the van.

3 Q. CS-7-39?

4 A. That's a 9-millimeter casing. I believe that's on the  
5 front seat.

6 Q. And CS-7-40?

7 A. That's a 9-millimeter casing that was located in the cup  
8 holder within the van.

9 Q. Was the van towed from the location?

10 A. Yes.

11 Q. And was a search warrant executed on the van?

12 A. Yes.

13 Q. And were photographs taken from that search warrant?

14 A. Yes.

15 Q. I'm going to show you CS-7-42.

16 And what are we looking at here?

17 A. That's the driver door of the van. You can see where the  
18 window had been bent out so you could gain access, get the lock  
19 open.

20 Q. And I'm going to show you CS-7-43.

21 And what are we looking at here?

22 A. It's a picture of the ignition of the van. You can notice  
23 the actual ignition's been pulled out so you can start the van.

24 Q. I'm going to approach and show you Government's  
25 Exhibit F-21.

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(Handing.)

Can you tell us what you have in front of you.

**A.** Yes.

**Q.** What is that?

**A.** These are the two submissions made by Crime Lab relative to this investigation.

The first one is the 21 casings and two projectiles recovered from the scene from inside and just outside the van on August 10th, 2016.

The second one is an additional 9-millimeter shell casing and a metal fragment projectile recovered from the van, once again, on August 10th, 2016. But this is -- this one was recovered during the search-and-seizure warrant after the van had been towed.

**Q.** I'm going to pull up Government's Exhibit F-21-A.

And what are we looking at here?

**A.** These are the shell casings laid out and photographed.

**Q.** Were the casings and projectiles in Government's Exhibit F-21 submitted for testing to the BPD Firearms Unit?

**A.** They were.

**Q.** You testified that there was evidence that the van was stolen. Were you able to determine who the van belonged to?

**A.** Yes.

**Q.** And who did it belong to?

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1     **A.**     Mr. McCormick.

2     **Q.**     I'm going to show you Government's Exhibit IND-64.

3             Who is that?

4     **A.**     Matthew McCormick.

5     **Q.**     And were you able to determine where Mr. McCormick  
6     resided?

7     **A.**     Yes.

8     **Q.**     Where did he reside?

9     **A.**     1829 South Hanover Street.

10    **Q.**     During your investigation, did you look to see whether  
11    there were security cameras in that area?

12    **A.**     Yes.

13    **Q.**     And were there?

14    **A.**     There was.

15    **Q.**     Did the security cameras show any relevant footage?

16    **A.**     No.

17    **Q.**     Why not?

18    **A.**     They didn't cover -- Mr. McCormick kept the van out behind  
19    his residence. There was a business there that had cameras,  
20    but the cameras did not cover where Mr. McCormick's van was  
21    located or stolen from.

22    **Q.**     Did you conduct an area canvass in the 2200 block of  
23    Kloman Street where the victim was found?

24    **A.**     Yes.

25    **Q.**     And what is that area like?



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1   **A.**   As far as an area canvass, usually encompasses knocking on  
2   doors and talking to neighbors. There's no residences in that  
3   area. It's the back of a BG&E plant on one side. It's  
4   Kloman Street, the tracks, the back of the BG&E plant.

5           On the other side is the water. There's no residence.

6           We did an area canvass looking for cameras. We were able  
7   to determine that BG&E did have cameras. But they were all  
8   pointed interior and motion-sensored, so they were protecting  
9   their own property.

10          One additional camera, an illegal dumping camera was  
11   located not far from where the scene was. But the quality was  
12   so poor that we didn't capture anything on that.

13   **Q.**   And without telling me what they said, did you identify  
14   any witnesses at the scene?

15   **A.**   Yes.

16   **Q.**   And who were they?

17   **A.**   Tina Zornes and Christina Lilly.

18   **Q.**   Was the van dusted for fingerprints?

19   **A.**   Yes.

20   **Q.**   And did you get any results?

21   **A.**   No.

22   **Q.**   Was the van swabbed for DNA?

23   **A.**   Yes.

24   **Q.**   And was a sample of the victim's DNA taken?

25   **A.**   Yes.

1 Q. Was the victim's DNA submitted to the BPD laboratory for  
2 testing?

3 A. Yes.

4 Q. Did you attend the autopsy of the victim?

5 A. I did.

6 Q. And what was the cause of death?

7 A. The victim was -- cause and manner of death were ruled  
8 homicide by multiple gunshots.

9 Q. Was there additional evidence recovered at the autopsy?

10 A. Yes.

11 Q. And what was that?

12 A. 15 projectiles were recovered from the victim, along with  
13 one additional artifact projectile, fingernail clippings, the  
14 victim's clothing, the bandana, and a blood card.

15 Q. And I'm going to approach and show you  
16 Government's Exhibit F-22.

17 (Hanging.)

18 Can you tell us what you're looking at there.

19 A. Yes.

20 Q. What is it?

21 A. These are the 15 projectiles recovered from the  
22 Medical Examiner on August 10th, 2016, by myself and submitted  
23 to evidence control.

24 Q. And I'm going to show you Government's Exhibit F-22-A.

25 And what are we looking at here?

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1 A. Those are the projectiles, same projectiles recovered,  
2 laid out and photographed.

3 Q. And you mentioned that fingernail clippings and a blood  
4 card were recovered for the victim?

5 A. Correct.

6 Q. And were those submitted to the BPD laboratory for testing  
7 as well?

8 A. Yes.

9 Q. Were you able to determine where the victim,  
10 Ricardo Johnson, resided?

11 A. Yes.

12 Q. Where did he reside?

13 A. 1101 West Lanvale Street in West Baltimore.

14 Q. And were there any calls for service at that location  
15 around the time of the murder?

16 A. Yes.

17 Q. I'm going to approach and show you  
18 Government's Exhibit CAD-4.

19 Well, first let me ask you: Did you request certified  
20 9-1-1 calls from that location at that time?

21 A. Yes.

22 Q. I'm going to show you Government's Exhibit CAD-4.  
23 (Hanging.)

24 And can you tell us what we're looking at there.

25 A. This is a CD of the CAD calls or 9-1-1 calls placed.

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1 Q. I'm going to play you two 9-1-1 calls. The first is  
2 CAD-4-A, and this is on Page 17 of the transcript binders,  
3 behind the 9-1-1 call tab.

4 And I'm pulling up a transcript on the right-hand side.

5 Detective Niedermeier, could you tell us the date and time  
6 of this 9-1-1 call.

7 A. August 10th, 2016, at 2:33 a.m.

8 Q. And when is that in relation to when the body was  
9 discovered or when you responded?

10 A. Three and a half hours -- approximately three and a half  
11 hours before the victim's discovered.

12 (Audio was played but not reported.)

13 **BY MS. HOFFMAN:**

14 Q. I'm going to play you another call. This one's  
15 Government's Exhibit CAD-4-B, and it's on Page 18 behind that  
16 same tab of the transcripts binder.

17 And I've pulled up the transcript on the right-hand side  
18 of the screen here.

19 Detective Niedermeier, could you read the date and time of  
20 this 9-1-1 call.

21 A. August 10th, 2016, at 4:00 a.m.

22 (Audio was played but not reported.)

23 **BY MS. HOFFMAN:**

24 Q. Detective Niedermeier, did you go to  
25 1101 West Lanvale Street during your investigation?

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1     **A.**    Yes.

2     **Q.**    And did you take photographs of the apartment building  
3     there?

4     **A.**    Yes.

5     **Q.**    I'm going to show you Government's Exhibit CS-9-1.  
6     What are we looking at here?

7     **A.**    It's a photograph of the front entrance of  
8     1101 West Lanvale Street, Ricardo Johnson's residence.

9     **Q.**    And I'm going to show you CS-9-3.  
10    What are we looking at here?

11    **A.**    It's a close-up of the exterior door of 1101 West Lanvale.

12    **Q.**    And I'm going to show you CS-9-4.  
13    And what are we looking at here?

14    **A.**    That's a photograph of -- from the inside of  
15    1101 West Lanvale going out, showing the interior security door  
16    and then the outside exterior door.

17    **Q.**    So there's two sets of doors here?

18    **A.**    Correct.

19    **Q.**    Detective Niedermeier, when in your investigation did you  
20    notify -- well, first, let me ask you: Did you notify next of  
21    kin when the victim was identified?

22    **A.**    Yes.

23    **Q.**    And when in your investigation did you notify next of kin?

24    **A.**    Well, originally he was unknown. He had no identification  
25    on him. So following autopsy, he was fingerprinted on

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1 August 10th in the afternoon. And that's how we identified  
2 him.

3 It was following that, probably in the late afternoon on  
4 October -- or, I'm sorry, August 10th, 2016, the family was  
5 notified.

6 **Q.** Based on the totality of your investigation, including the  
7 ballistic evidence at the scene, did you form an opinion as to  
8 whether one or more than one people were involved in this  
9 homicide?

10 **A.** Yes.

11 **Q.** And can you explain.

12 **A.** Based on the evidence, the fairly organized way that the  
13 crime was committed, I would say that three to five people were  
14 involved in this incident to successfully complete it the way  
15 that it was.

16 **Q.** Do you know for certain the number of people?

17 **A.** No.

18 **Q.** Do you believe it was more than one?

19 **MR. DAVIS:** Objection; asked and answered.

20 **THE COURT:** Sustained.

21 **BY MS. HOFFMAN:**

22 **Q.** Now, you testified that you submitted the ballistic  
23 evidence recovered to the BPD firearms examination unit for  
24 testing, and I want to direct your attention to December of  
25 2016.

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1 Without telling me what the results were, did you receive  
2 around that time notification of a finding by the firearms  
3 examination unit?

4 **A.** Yes; December 1st, 2016.

5 **Q.** And after receiving that notification, did you obtain a  
6 search-and-seizure warrant for DNA?

7 **A.** Yes.

8 **Q.** And whose DNA did you obtain a search-and-seizure warrant  
9 for?

10 **A.** Sydney Frazier.

11 **Q.** Do you see Sydney Frazier in the courtroom today?

12 **A.** Can I stand, please?

13 **THE COURT:** Sure.

14 **THE WITNESS:** Yes.

15 **BY MS. HOFFMAN:**

16 **Q.** Can you point him out for the record.

17 **A.** It's the gentleman at the second table with the white  
18 shirt.

19 **Q.** Did you execute the search-and-seizure warrant?

20 **A.** I did.

21 **Q.** And when did you execute it?

22 **A.** January 3rd, 2017.

23 **Q.** And how did you execute the search warrant?

24 **A.** Mr. Frazier agreed to meet with our homicide operations  
25 unit. He was transported to our office. He was shown a copy

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1 of the signed warrant, and swabs were taken from his cheek.

2 Q. And were those swabs submitted to the BPD laboratory for  
3 testing?

4 A. Yes.

5 Q. During the course of your investigation, were you able to  
6 determine where Sydney Frazier resided?

7 A. Yes.

8 Q. And where did he reside?

9 A. He had used two addresses, 2923 Roslyn Avenue in  
10 Northwest Baltimore and 961 Bennett Place in West Baltimore.

11 Q. And I want to direct your attention to November 16th of  
12 2017.

13 Did you have an occasion to conduct a search warrant at  
14 961 Bennett Place on that day?

15 A. Yes.

16 Q. And was that search warrant conducted pursuant to a  
17 related or an unrelated investigation?

18 A. The search warrant was in reference to an unrelated  
19 incident.

20 Q. At the time the warrant was executed, where was  
21 Mr. Frazier?

22 A. Incarcerated.

23 Q. And was the residence occupied at that time?

24 A. No. It didn't appear to be so.

25 Q. Did you recover anything of relevance to the investigation



~~NIEDERMEIER - DIRECT~~

1 of Sydni Frazier from 961 Bennett Place?

2 **A.** Yes.

3 **Q.** And can you tell us -- can you give us an overview of what  
4 was recovered.

5 **A.** From inside that residence on November -- or in November  
6 of 2017, we recovered boxes that firearms came in, boxes of  
7 ammo, packaging material, CDS, and a -- an ATM debit card in  
8 the name of Sydni Frazier.

9 **Q.** Now, I'm going to approach and show you  
10 Government's Exhibit D-25-B -- I'm sorry.

11 I'm going to show you Government's Exhibit D-25 -- I had  
12 it right.

13 I'm going to show you Government's Exhibit D-25-B.

14 (Hanging.)

15 Can you tell us what you're looking at there.

16 **A.** Yes. This is the ATM card recovered on 11/16/17 from  
17 961 Bennett Place.

18 **Q.** And whose name did you say it was in?

19 **A.** Sydni Frazier.

20 **Q.** Were photographs taken during the course of the  
21 search warrant?

22 **A.** Yes.

23 **Q.** I'm going to show you Government's Exhibit SW-12-A.

24 What are we looking at here?

25 **A.** It's a photograph taken inside of 961 Bennett Place on

1 11/16/17.

2 You can see the -- that's a Taurus box that a Taurus  
3 handgun would come in.

4 Q. And I'm going to show you SW-12-B.

5 What are we looking at here?

6 A. It's a box of ammunition from inside 961 Bennett Place.

7 Q. And SW-12-C.

8 What are we looking at here?

9 A. It's a close-up of that Taurus handgun box.

10 Q. SW-12-D.

11 What are we looking at here?

12 A. That's a spoon with residue on it. I believe that's a  
13 scale.

14 Q. And what kind of scale is it?

15 A. It would be a scale that they use to weigh narcotics.

16 Q. And I'm going to show you Government's Exhibit SW-12-E.

17 What are we looking at here?

18 A. It's a bag containing a large amount of packaging material  
19 for CDS.

20 Q. I'm going to show you SW-12-F.

21 And is this a close-up of the packaging material?

22 A. Yes, close-up of the vials and the tops for them.

23 Q. I'm going to show you SW-12-G.

24 What are we looking at here?

25 A. That's a holster that was recovered for a handgun that was

1 recovered inside 961 Bennett Place.

2 Q. And to be clear, it was -- this is just a holster, not an  
3 actual firearm; right?

4 A. Correct.

5 Q. I'm going to show you SW-12-H.

6 What are we looking at here?

7 A. It's a razor blade with white powder, suspected CDS.

8 Q. And SW-12-I.

9 What are we looking at here?

10 A. That's the debit card in the name of Sydni Frazier  
11 recovered there.

12 Q. And SW-12-J.

13 What are we looking at here?

14 A. That's an additional bag with packaging material.

15 Q. And SW-12-K.

16 What are we looking at here?

17 A. These are strainers used in the production of  
18 crack cocaine.

19 Q. Was the drug evidence that was recovered submitted to the  
20 BPD laboratory for testing?

21 A. It was.

22 Q. I'm going to approach and show you  
23 Government's Exhibit D-25-B.

24 No.

25 This is D-25-A.

(Handing.)

And what do you have in front of you there?

**A.** This is the CDS recovered from inside 961 Bennett Place submitted to evidence control.

**Q.** And you've used the phrase "CDS" a number of times. What does CDS stand for?

**A.** Controlled, dangerous substance.

**MS. HOFFMAN:** I have no further questions for you.

Thank you.

**THE COURT:** All right. Thank you.

Defense counsel?

**MR. DAVIS:** I think that would be me.

**THE COURT:** Mr. Davis.

**MR. DAVIS:** Thank you, Your Honor.

CROSS-EXAMINATION

**BY MR. DAVIS:**

**Q.** Good morning, Detective.

**A.** Good morning, sir.

**Q.** Give me one second to plug this in.

**THE CLERK:** HDMI?

**MR. DAVIS:** Yes, HDMI at the lectern.

**BY MR. DAVIS:**

**Q.** Detective, on the screen you see where 2200 Kloman Street is; correct?

**A.** Correct.

1 Q. And that's one street in and one street out. You come in  
2 on Kloman and you go out on Kloman. There aren't any other  
3 side streets in there in that immediate 2200 block?

4 A. No, not immediately where he was found.

5 Q. And that's where the electrical, for lack of better terms,  
6 the electrical factory or facility was located; correct?

7 A. Correct.

8 Q. Now, just below that -- and I don't think it's showing up  
9 on the screen. And for some reason, I can't get it to show.

10 THE COURT: And I'm sorry, Mr. Davis. What is this  
11 exhibit that you've --

12 MR. DAVIS: This is Exhibit MAP-41.

13 BY MR. DAVIS:

14 Q. Just below that, 2200 Kloman, dropping down -- for some  
15 reason I'm not getting any marks on this -- but dropping down  
16 from there is the Cherry Hill neighborhood; correct?

17 A. It's -- yeah, not far from there.

18 Q. As a matter of fact, it's very close. I mean, you just  
19 drive down Coleman -- Kloman and you end up in Cherry Hill;  
20 correct?

21 A. Yes.

22 Q. And you've been a Homicide detective in the city for some  
23 time; correct?

24 A. Correct.

25 Q. And the Cherry Hill neighborhood in the Baltimore area,

1 that's a pretty dangerous neighborhood.

2 **A.** There's a lot of dangerous neighborhoods in the city.

3 **Q.** But in particular, Cherry Hill, a lot of drugs, a lot of  
4 violence?

5 **A.** Yes. There's a lot of violence associated with  
6 Cherry Hill.

7 **Q.** And your investigation of the Ricardo Johnson homicide  
8 revealed that he was a drug dealer and he had enemies; correct?

9 **MS. HOFFMAN:** Objection.

10 **THE COURT:** Do you want to come up to the bench.

11 (Bench conference on the record:

12 **THE COURT:** What's the objection?

13 **MR. DAVIS:** I'm not asking him specifically. I'm  
14 asking him in general if his investigation identified --

15 **THE COURT:** What's the difference between "in general"  
16 and "specifically"? I mean, what would his answer be based on?

17 **MR. DAVIS:** Based on his investigation. I mean, he  
18 gave testimony about how it was his opinion there were more  
19 than two shooters there. I think I'm entitled to elicit that  
20 there were other people.

21 **THE COURT:** Do you have anything specific?

22 **MR. DAVIS:** No. I mean -- I mean --

23 **THE COURT:** I'm sustaining the objection.

24 **MR. DAVIS:** The only thing that I could reference that  
25 would be specific is that in some of the materials, which I'm

1 not going into, indicated that he had disagreements with some  
2 other -- he had problems with some other people, too. I mean,  
3 that's the only basis I could proffer.

4 **THE COURT:** Okay. It's hearsay. I'm not hearing an  
5 exception. You can't get into just in general he had enemies.

6 **MR. DAVIS:** I wasn't going to go any further.

7 **THE COURT:** I'm sustaining the objection.

8 **MR. DAVIS:** Okay.)

9 (Bench conference concluded.)

10 **BY MR. DAVIS:**

11 **Q.** Detective Niedermeier, as the Homicide detective in this  
12 case, you investigated all areas relevant to the murder of  
13 Ricardo Johnson; correct?

14 **A.** Correct.

15 **Q.** And you're pretty thorough. You have quite a bit of  
16 experience; correct?

17 **A.** Yes.

18 **Q.** Now, the power plant that you referenced, you indicated  
19 that there were cameras there; but the cameras did not produce  
20 footage that was of any value to you; correct?

21 **A.** Correct.

22 **Q.** So it's fair to say that there is nothing to indicate who  
23 the suspect was or who the suspects were that were involved in  
24 this homicide, correct, from the cameras?

25 **A.** From the cameras, no.

1 Q. Now, was there anything else out there to indicate that  
2 there were other people out there with Mr. Johnson before he  
3 was found? Were there any cigarette butts? Were there any  
4 tire tracks? Anything of that nature to indicate that others  
5 had been out there?

6 A. Yes.

7 Q. And that would be the cartridges?

8 A. Yes.

9 Q. And tire tracks?

10 A. No.

11 Q. Anything at all to -- any cigarette butts, any paper that  
12 could be used for any evidentiary purpose?

13 A. No, no paper was recovered other than the paper from the  
14 gas tank.

15 Q. And that was of no value, correct, from an evidentiary  
16 standpoint?

17 A. I would disagree.

18 Q. Well, what did you -- well, I'm -- I know where you're  
19 going, but what can you do with that in order to identify who  
20 the suspects were? I guess that's a better way of phrasing the  
21 question.

22 A. Nothing to identify 'em.

23 Q. I'm going to show you what's been marked and moved into  
24 evidence as CS-7-37.

25 These are a pair of gloves that were found in the van that



1 Ricardo Johnson was found in; correct?

2 A. Correct.

3 Q. And were those processed for DNA?

4 A. Yes, I believe I did submit those to be processed.

5 Q. And was there any results relevant to this investigation?

6 A. I don't recall DNA results. I was able to identify whose  
7 they belonged to.

8 Q. And were you able to identify who they belonged to?

9 A. Yes.

10 Q. And who did they belong to?

11 A. 86-year-old Matthew McCormick, the vehicle owner.

12 Q. Now, taking a look at CS-7-32, Mr. Johnson had been shot  
13 numerous times; correct?

14 A. Correct.

15 Q. Do you have a rough estimate of how many times he was  
16 shot?

17 A. Over 20, I would be safe in saying.

18 Q. And it's your -- it's your testimony that you believe --  
19 it's your opinion based on your 20 years' experience as a  
20 Homicide detective that he was shot and killed where he was  
21 found; correct?

22 A. Yes, based on the evidence, my experience.

23 Q. And looking at CS-7-32, there's not a great deal of blood  
24 in the van where he was found, is there?

25 A. No.

~~LILLY - DIRECT~~

**MR. DAVIS:** I have no further questions.

Thank you, Detective.

**THE COURT:** Okay. Thank you.

Anyone else?

(No response.)

**THE COURT:** Any redirect?

**MS. HOFFMAN:** No redirect. Thank you.

**THE COURT:** Okay. Thank you, sir.

You are excused.

(Witness excused.)

**THE COURT:** Does the Government have another witness?

**MS. HOFFMAN:** The Government calls Christina Lilly.

**THE CLERK:** Please raise your right hand.

CHRISTINA LILLY, GOVERNMENT'S WITNESS, SWORN.

**THE CLERK:** Please be seated.

**THE WITNESS:** Hi. How you doing?

**THE CLERK:** Please speak directly into the microphone.

State and spell your full name for the record, please.

**THE WITNESS:** My name is Christina Lilly. It's

C-H-R-I-S-T-I-N-A, L-I-L-L-Y.

**THE CLERK:** Thank you.

DIRECT EXAMINATION

**BY MS. HOFFMAN:**

**Q.** Good morning, Ms. Lilly.

**A.** Hi.

~~LILLY - DIRECT~~

1 Q. Where are you from?

2 A. Baltimore.

3 Q. And where were you living around August of 2016?

4 A. Virginia.

5 Q. Ms. Lilly, do you attend a methadone clinic in Baltimore?

6 A. Yes, ma'am.

7 Q. And were you -- were you attending that methadone clinic  
8 in August of 2016?

9 A. Yes, ma'am. Over in Cherry Hill.

10 Q. And that was going to be my next question.

11 Where in Baltimore is the methadone clinic?

12 A. On Cherry Hill.

13 Q. How frequently do you go to that clinic?

14 A. Well, at that point in time, I would go once a week on  
15 Wednesdays.

16 Q. And what time of day would you go?

17 A. Oh, I -- I usually get in town between, like, quarter  
18 after 5:00 to 5:30 'cause I take my sister first.

19 Q. And is that in the morning?

20 A. In the morning, yes, ma'am.

21 Q. And who's your sister?

22 A. Tina Zornes, who's out there with me.

23 Q. When you said you take your sister first, do you take your  
24 sister to --

25 A. Maryland General.

~~LILLY - DIRECT~~

1 Q. Is that --

2 A. That's down in the city. And she comes out and then we  
3 see over to mine.

4 Q. So you go to her methadone clinic first --

5 A. Right.

6 Q. -- and then to yours in Cherry Hill?

7 A. 'Cause they let 'em in at 5:30 at hers.

8 Q. And I want to direct your attention to August 10th of  
9 2016. Did you go to your methadone clinic that day with your  
10 sister?

11 A. Yes, ma'am.

12 Q. And did anything unusual happen on the way to your  
13 methadone clinic that day?

14 A. I was coming -- we was coming over towards the meth  
15 program, going through the back road of Westport, because it  
16 avoids all them lights and them train tracks. And we're  
17 driving up and I seen a van parked to the side, which is  
18 unusual 'cause I go up there -- used to walk up in there and I  
19 don't see that.

20 And I said -- I thought it might have been a stolen van,  
21 and I looked again and the side door was pulled back open.

22 My sister said, "Christina, he might be in there OD'd.  
23 You want me to go look?"

24 I said, "Don't you get out of this car."

25 And I didn't have a phone with me. So I got up to my

~~LILLY - DIRECT~~

1 program. I was going to tell the officer up there, and I told  
2 a couple of people on the program that they had a phone to  
3 call, 'cause I think it's a stolen car, could be an overdose  
4 down there.

5 Q. And you said you saw a van with the door slung open?

6 A. The side on the -- where the -- them doors, how you got  
7 it, it looked like it was slid back. It was open.

8 Q. And where was the van parked? Was it next to anything?

9 A. No. It was in a little dirt area. Like this is the  
10 street you're going up. It was parked on this side of the  
11 street, like in the dirt. Wasn't even in the street.  
12 Underneath the bridge area.

13 Q. Are there any landmarks in that area? What is that area  
14 like where you saw the van?

15 A. Well, right where the van -- nothin'. It's -- a little  
16 ways up, it's houses, condemned houses. Then there's some  
17 people still livin' in some of 'em.

18 On the other side of this, it used to be a glass factory.  
19 They tore that down. So it's nothin' there. And then it's a  
20 Light Rail that runs underneath -- over top of it.

21 Q. So the van was parked near the Light Rail?

22 A. It was underneath of it, down at the bottom of the street  
23 as you come up that -- I forgot the name of the street.

24 Q. And as you were driving by, could you see inside the van?

25 A. No.

~~LILLY - DIRECT~~

1 Q. Did you see anyone around the van?

2 A. No.

3 Q. And what time did you see the van?

4 A. About, like, 5 after 6:00, in that area, no more than  
5 10 after 6:00, 'cause I was up at my program.

6 Q. So it had to be between 6:05 and 6:10 in the morning?

7 A. Yeah.

8 Q. And that's on August 10th of 2016?

9 A. Uh-huh.

10 Q. And did you pass by that area on the way back?

11 A. Yes, ma'am.

12 Q. And did you speak to the police there?

13 A. I seen the officers as I was going past, so I went up --  
14 'cause down Westport way, the street, and I seen the officer  
15 and I pulled -- I went over and I had asked him, was this about  
16 the van up there, 'cause I --

17 Q. And I'm not going to ask you anything about what was told  
18 to you --

19 A. Right.

20 Q. -- but you did speak to police --

21 A. Yes, sir -- yes, ma'am.

22 Q. -- on your way back?

23 MS. HOFFMAN: Thank you so much for your time,  
24 Ms. Lilly. I don't have any more questions for you.

25 THE WITNESS: Okay.

~~LILLY - DIRECT~~

1           **THE COURT:** All right. Let me see if anybody else  
2 does.

3           (No response.)

4           **THE COURT:** No. All right.

5           Thank you very much.

6           **THE WITNESS:** Okay. Thank you.

7           **THE COURT:** Appreciate it.

8           (Witness excused.)

9           **THE COURT:** All right. Can I see counsel at the bench  
10 before the next witness.

11          (Bench conference on the record:

12           **THE COURT:** Are we going to Agent Wilde?

13           **MS. PERRY:** One more witness before him.

14           **THE COURT:** Oh, okay. So he's not -- all right. Then  
15 we'll go ahead and take the next witness, and then we can  
16 discuss Mr. Enzinna's issue. Thank you.

17           **MS. PERRY:** All right.)

18          (Bench conference concluded.)

19           **THE COURT:** The Government has another witness?

20           **MS. PERRY:** Yes, Your Honor. The Government calls  
21 Officer David Jones.

22           **THE CLERK:** Please raise your right hand.

23          DETECTIVE DAVID JONES, GOVERNMENT'S WITNESS, SWORN.

24           **THE CLERK:** Please speak directly into the microphone.

25          State and spell your full name for the record, please.

~~JONES - DIRECT~~

1           **THE WITNESS:** Yes, ma'am. David Jones, D-A-V-I-D,  
2 J-O-N-E-S.

3           **THE CLERK:** Thank you.

4           **THE WITNESS:** Yes, ma'am.

5                               DIRECT EXAMINATION

6           **BY MS. PERRY:**

7           **Q.** Good morning.

8           **A.** Good morning.

9           **Q.** With which law enforcement agency do you work?

10          **A.** I work for the Baltimore City Police Department.

11          **Q.** And how long have you been with the Baltimore City Police  
12 Department?

13          **A.** For the past 35 years.

14          **Q.** Can you tell us your current unit and title.

15          **A.** Yes, ma'am. Detective and currently assigned to the  
16 Central District, special enforcement unit.

17          **Q.** Now, I want to direct your attention back to August 10th  
18 of 2016.

19               What was your unit and title then?

20          **A.** During that time I was working the dirt bike task force.

21          **Q.** And can you tell us what your duties and responsibilities  
22 were as a member of a dirt bike task force.

23          **A.** Yeah. During that time, it was to combat and address the  
24 illegal dirt bike riding activity that was occurring in  
25 Baltimore City.



~~JONES - DIRECT~~

1 Q. Now, I want to direct your attention again to August 10th  
2 of 2016 at about 5:15 p.m.

3 Were you working on that date and time?

4 A. Yes, I was.

5 Q. And can you tell us where you were at about 5:15 that day.

6 A. Yeah. Approximately during that time, I was at the  
7 intersection of Gwynns Falls Parkway and Windsor Mill Road.

8 Q. And were you alone or with other individuals?

9 A. Two other individuals, which would have been  
10 Sergeant Chris Warren and Detective John Jaimes.

11 Q. And were you and the other officers on foot or in a  
12 vehicle?

13 A. We were in a vehicle and operating a covert or unmarked  
14 vehicle on that day.

15 Q. And what happened around that time?

16 A. At that time our attention was drawn to a black male that  
17 was wearing a white T-shirt, black shorts, and had a  
18 blue-and-black backpack on. And this individual was operating  
19 a green-and-white 2013 Kawasaki dirt bike.

20 Q. And where was he operating that dirt bike?

21 A. Initially when we observed the individual, he was  
22 traveling eastbound in the 2200 block of Lyndhurst Avenue,  
23 approaching the intersection of Windsor Mill Road.

24 Q. Now, I'm going to show you what's been marked as  
25 Government's Exhibit MAP-18.

~~JONES - DIRECT~~

1 Can you see MA -- oh, you probably cannot yet. Just a  
2 moment.

3 Are you able to see MAP-18 in front of you there?

4 **A.** Yes.

5 **Q.** And looking at MAP-18, can you tell us, first, where you  
6 were at about 5:15 that day.

7 **A.** Okay. Can I just point?

8 **Q.** Yes.

9 **A.** Okay. So we were approximately right here, in this area  
10 here (indicating).

11 **Q.** And where did you first see the individual on the bike?

12 **A.** Right in this intersection here on Lyndhurst (indicating).

13 **Q.** And where did this person go?

14 **A.** Then the person made a left-hand turn onto Windsor Mill  
15 Road and proceeded northbound.

16 **Q.** What did you do?

17 **A.** Then at that point we kept the individual under  
18 observation as he continued northbound on Windsor Mill Road.

19 And then as he got to the street of Tucker Lane, he made a  
20 right-hand turn on Tucker Lane, driving into the Windsor Forest  
21 apartment complex.

22 **Q.** And using, again, MAP-18, can you just describe the path  
23 of travel that you just -- can you use your finger to show us  
24 the path of travel.

25 **A.** Yes. Okay. So pick it up here (indicating). Then this

~~JONES - DIRECT~~

1 is Windsor Mill Road (indicating), going into Lincoln Park  
2 (indicating) and then traveling around Windsor Mill  
3 (indicating) and still snaking around to this point. Here is  
4 Tucker Lane (indicating), and this is where he made the  
5 right-hand turn onto Tucker Lane going into the apartment  
6 complex.

7 **Q.** Okay. And what happened once the individual arrived at  
8 Tucker Lane?

9 **A.** I'm sorry. Say that again.

10 **Q.** What happened once the individual on the bike got to  
11 Tucker Lane?

12 **A.** Then we decided not to follow behind the individual at  
13 that point and decided to go down to the next street and do a  
14 loop around into the apartment complex so we could pick up the  
15 surveillance. We were -- had the initial thought that the  
16 person was arriving to his final destination at the apartment  
17 complex and that we would probably see him get off the bike and  
18 maybe put the bike at one of the apartment complexes.

19 **Q.** Okay. I want to now show you Government's Exhibit MAP-17.  
20 Do you recognize MAP-17?

21 **A.** Yes, ma'am.

22 **Q.** Can you just orient us, where is Windsor Mill Road.

23 **A.** Okay. See. Let me -- so Windsor Mill Road is here  
24 (indicating).

25 **Q.** And can you just describe for us using MAP-17 where you

~~JONES - DIRECT~~

1 went once you got to this particular intersection of  
2 Windsor Mill and Tucker Lane.

3 **A.** Okay. So as the male riding the bike drove in here on  
4 Tucker Lane (indicating), we decided to go down Windsor Mill to  
5 the next road, which is Crimea, and made a right into Crimea  
6 down to Dickey Hill Road.

7 And once we got to that intersection, we looked down  
8 Dickey Hill Road and didn't see the dirt bike at that point.  
9 So we figured that the bike might have continued on Tucker Lane  
10 at this point here.

11 So then we looped around. This turns into Sekots Road,  
12 then turns into Corley. And then as you continue to snake  
13 around, it turns back into Tucker Lane at this point here  
14 (indicating).

15 And as we got about right here (indicating) -- back up --  
16 to this point here (indicating), we noticed that the male that  
17 was riding the dirt bike was coming from the rear of  
18 2111 Tucker Lane, from the rear of that building, and then  
19 walking toward the intersection of Dickey Hill Road.

20 **Q.** So at that point was the individual no longer on the dirt  
21 bike?

22 **A.** No. He was no longer on the dirt bike. And then we  
23 assumed that he must have placed the dirt bike somewhere in the  
24 rear of 2111 Tucker Lane.

25 **Q.** So when you saw the individual at this point, what did you

~~JONES - DIRECT~~

1 do?

2 **A.** Then at that point the individual was on foot, and then we  
3 got to the intersection of Dickey Hill and Tucker at this point  
4 here (indicating). And as the individual crossed the street,  
5 got to the corner, and then we stopped our vehicle.

6 And Sergeant Warren called out to the male and got out of  
7 the vehicle. And Sergeant Warren stated that, "Hey, we need to  
8 talk to you."

9 And I got out of the -- I was the rear passenger on that  
10 day, and I got out of the vehicle. And then the male quickly  
11 said, "I don't want any trouble," and then took off running.

12 **Q.** And when the individual took off running, what did you do?

13 **A.** Then from that point, I wanted to try to cut off the  
14 individual's pass. And I ran north in front of 2118  
15 (indicating) and then went to the rear to this point here  
16 (indicating).

17 And then when I got to the rear, then I saw the individual  
18 at this point running in this direction (indicating). But I  
19 also noticed at that point he did not have the black-and-blue  
20 backpack on at that point.

21 **Q.** What did you do then?

22 **A.** Then at that point then I started a little foot area  
23 canvass between the two buildings. This is --

24 **Q.** Let me actually clear it for a second so you can have a  
25 blank screen.

JONES - DIRECT

1 So if you could tell us what you did at that point.

2 **A.** Yeah. From that point, then I did a foot area canvass  
3 between the two buildings. This is 2118 here, and this is  
4 actually 5003 Dickey Hill Road. So started a little area  
5 canvass in this open space, and then going to this bush right  
6 here on the side of 5003 Tucker Lane (indicating), located the  
7 backpack, the blue-and-black backpack that the individual that  
8 was riding the dirt bike had in his possession.

9 **Q.** Now, in addition to the backpack that you located there,  
10 did you locate anything else in the area?

11 **A.** In the area, yes, I did. I recovered a pair of gloves a  
12 short distance away on the pavement.

13 **Q.** And what about the bike; did there come a time when you  
14 actually recovered the bicycle as well?

15 **A.** Yes. I went back to the rear of 2111 Tucker Lane, and the  
16 dirt bike was in this forest buffer right -- approximately in  
17 that area right there (indicating), propped up against a tree.

18 **Q.** Now, I want to come back to the items you recovered in a  
19 moment.

20 But, first, I want to ask you if you attempted to locate  
21 any video.

22 **A.** Yes.

23 **Q.** And where did you attempt to locate the video?

24 **A.** We went to the management office for the Windsor Mill  
25 apartment complex, and I spoke to the assistant manager on that

~~JONES - DIRECT~~

1 day. And the manager said that the complex is equipped with  
2 cameras at various points around the complex, and we took a  
3 review of the camera. And at approximately 5:20 p.m., the  
4 camera on the Tucker Lane side of the apartment complex did  
5 capture the male on the dirt bike driving into the apartment  
6 complex on Tucker Lane and then getting off the bike and then  
7 started pushing the dirt bike.

8 Q. And so did you review this video on that day?

9 A. Yes, I did.

10 Q. And did you preserve the video in any way?

11 A. Yes.

12 Q. How?

13 A. Via my cell camera, my departmental-issued cell phone.

14 Q. So you took a video of the video?

15 A. Yes, ma'am.

16 Q. Now, I want to show you Government's Exhibit SF-10-A.

17 Do you recognize -- I'm going to pause it here. Do you  
18 recognize what we're looking at here?

19 A. Yes, ma'am.

20 Q. What is this?

21 A. This is the 2100 block of Tucker Lane.

22 Q. And is this the video you viewed on that particular day?

23 A. Yes, ma'am.

24 Q. And can you tell us what the timestamp reads.

25 A. Yes. You can partly see 2016. And the timestamp is

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1 17:20, which converts to 5:20 p.m.

2 Q. And is that about the time you saw the individual in this  
3 area?

4 A. Yes, ma'am.

5 Q. Okay. I'm going to play the video.

6 (Video was played but not reported.)

7 BY MS. PERRY:

8 Q. Now, turning your attention to -- first of all, do you see  
9 the individual in the video here?

10 A. Yes, ma'am.

11 Q. And is that individual consistent with the individual that  
12 you observed on August 10th of 2016?

13 A. Yes, ma'am.

14 Q. Now I'm going to turn to SF-10-B.

15 What are we looking at here?

16 A. This is the parking lot of the 2100 block of Tucker Lane.  
17 And then in the foreground, you have the building of  
18 2111 Tucker Lane.

19 Q. And looking again at the timestamp, can you tell us the  
20 date that's listed there.

21 A. Yes. 2016. The date is 8/10/2016 and 17:20 hours, which  
22 converts to 5:20 p.m.

23 Q. Okay. I'm going to play it.

24 (Video played.)

25 BY MS. PERRY:



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1 Q. Okay. I'm going to pause it at this point.

2 Did you see the individual on the screen during this  
3 portion of the video?

4 A. Yes, ma'am.

5 Q. And was that individual consistent with the person you saw  
6 on August 10th of 2016?

7 A. Yes, ma'am.

8 Q. I want to now turn your attention to  
9 Government's Exhibit SF-10-C.

10 What are we looking at here?

11 A. Okay. This is a still photograph of the video showing the  
12 individual wearing the white T-shirt, black shorts, the  
13 black-and-blue backpack. And then also if you notice on the  
14 left hand where his hand is on the handlebar, it appears that  
15 he has on a black glove.

16 Q. And I'm going to show you SF-10-D.

17 What are we looking at here?

18 A. Yes, ma'am. Another -- this is another still shot, but a  
19 zoomed-in snapshot from the video. And closely showing -- you  
20 can clearly see a white short-sleeved T-shirt, black pants, the  
21 backpack, and a pair of gloves on the individual's hands.

22 Q. Now, you mentioned that a couple of items were recovered,  
23 including, I believe, the backpack, the dirt bike, and some  
24 gloves.

25 A. Yes, ma'am.

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1 Q. I want to turn your attention, first, to CS-8-2.

2 Can you tell us what we're looking at here.

3 A. Yes, ma'am. This is a photograph that was taken by me.

4 And this is -- the shot is taken from near the corner of the  
5 intersection of Tucker Lane and Windsor Mill Road. And it's a  
6 shot of the apartment building of 5003 Dickey Hill Lane. And  
7 then this bush here is where I recovered the backpack from.

8 Q. Turning now to CS-8-3.

9 What are we looking at here?

10 A. Okay. Once again, this is a photograph that I took. And  
11 this is the side of 5003 Dickey Hill Road. And this is the  
12 bush. And right behind this bush propped up against the wall  
13 is where I recovered the black-and-blue backpack.

14 Q. Turning to CS-8-4.

15 What are we looking at here?

16 A. And a short ways down from that bush, this is the  
17 continuation of the sidewalk with the steps. And this is where  
18 I recovered the pair of Gorilla gloves from off the ground.

19 Q. Turning to CS-8-5.

20 What are we looking at here?

21 A. And those are the pair of Gorilla gloves that were on the  
22 ground and recovered from the steps.

23 Q. Turning to CS-8-6.

24 What are we looking at here?

25 A. And this is a side view of the bush, and then you can

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1 clearly see the blind wall and the bush. And the backpack was  
2 propped right against the wall, in between the bush  
3 (indicating).

4 Q. Now, turning to CS-8-1, what are we looking at here?

5 A. Okay. And that is a photograph of the 2013 Kawasaki KX100  
6 dirt bike that the male was operating on the day in question.

7 Q. And turning now to CS-8-10.

8 What are we looking at here?

9 A. That's one of the gloves that I recovered.

10 Q. CS-8-11.

11 What are we looking at here?

12 A. And that's the photograph of the other glove that was  
13 recovered and -- with the words of "Gorilla Grip" written on  
14 same.

15 Q. Now, I want to approach and show you what's been marked as  
16 CS-8-A.

17 (Hanging.)

18 Do you recognize this?

19 A. Yes, ma'am.

20 Q. What is this?

21 A. These are the gloves that were -- that I recovered from  
22 the sidewalk and previously shown on the screen.

23 Q. Now, turning to CS-8-7.

24 What are we looking at here?

25 A. And that is the blue-and-black -- blue-and-black backpack

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1 that was recovered from the side of 5003 Dickey Hill Road.

2 Q. Now, after you recovered the backpack, did you look inside  
3 the backpack?

4 A. Yes, ma'am.

5 Q. What did you find inside?

6 A. I found two firearms, two cell phones, and a black jacket.

7 Q. And can you describe the firearms.

8 A. Yes. One was a Smith & Wesson 9-millimeter handgun  
9 equipped with a laser sight, and that firearms -- firearm was  
10 loaded with 18 rounds.

11 And the other firearm was a Taurus 9-millimeter, and that  
12 weapon was loaded with 12 rounds.

13 Q. Now, you mentioned that the firearms were recovered and  
14 that there -- I believe you said there were cell phones.

15 Can you describe the cell phones.

16 A. Yes. One was a white HTC model cell phone, and the other  
17 was a blue-and-black AT&T flip phone.

18 Q. And I believe you said that there was an item of clothing  
19 in the backpack?

20 A. Yes, ma'am. There was a black jacket.

21 Q. So I'm going to approach and show you  
22 Government's Exhibit CS-8-B.

23 (Hanging.)

24 Do you recognize this?

25 A. Yes, ma'am.

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1 Q. What is it?

2 A. And this is the black jacket that was contained in the  
3 black -- in the backpack.

4 Q. All right. I'm going to approach and show you what's been  
5 marked as Government's Exhibit CELL-5 and CELL-6.

6 (Hanging.)

7 Can you tell us what CELL-5 is.

8 A. Okay. This envelope is the envelope that was prepared by  
9 me, and this contains the black-and-blue flip phone.

10 Q. And what about CELL-6?

11 A. I'm sorry?

12 Q. I'm sorry. And the other phone?

13 A. Yes. And this is the evidence envelope that was prepared  
14 by me, and this one contains the white HTC cell phone that was  
15 recovered from the backpack.

16 Q. Now, I want to approach and show you  
17 Government's Exhibit F-23.

18 (Hanging.)

19 Do you recognize Government's Exhibit F-23?

20 A. Yes, ma'am. This is --

21 Q. What is that?

22 A. -- the Smith & Wesson 9-millimeter handgun that's equipped  
23 with the laser sights.

24 Q. Now, I'm going to show you F-23-A.

25 What are we looking at here?

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1   **A.**   This is the same weapon that I have in my hand right here.  
2   It's a photograph of the Smith & Wesson 9-millimeter equipped  
3   with the laser sights.

4   **Q.**   And can you, if you would, tell us the serial number for  
5   this particular firearm.

6   **A.**   Yes.  It's H, like Henry; A, like Adam; E, like Edward;  
7   0466.

8   **Q.**   And now showing you Government's Exhibit F-24.  
9        (Handing.)

10       Do you recognize Government's Exhibit F-24?

11   **A.**   Yes, ma'am.

12   **Q.**   What is Government's Exhibit F-24?

13   **A.**   And this is the Taurus 9-millimeter handgun that was  
14   recovered from the backpack.

15   **Q.**   I'm going to show you F-24-A.

16       Do you recognize this?

17   **A.**   Yes, ma'am.  That's a photograph of the actual weapon here  
18   that was -- that was recovered from the backpack.

19   **Q.**   And can you tell us the serial number of the Taurus.

20   **A.**   Yes, ma'am.  It's T, Tom; N, Nancy; J, John; 73204.

21   **Q.**   Now, I just want to turn back for a brief moment to the  
22   cell phones that you have in front of you, because I'm not sure  
23   that we got that exactly right.

24       Do you see that one is stickered and says "CELL-6"?

25   **A.**   CELL-6?

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1 Q. Yes.

2 And perhaps it's on the back of that envelope that you  
3 just picked up.

4 A. Yes.

5 Q. And which one is -- which phone is CELL-6?

6 A. This is the AT&T flip phone.

7 Q. Okay. And then the other one you had in front of you, I  
8 believe that's stickered CELL-5? Do you see that on the other  
9 side?

10 A. Let me see.

11 Q. I believe it's on the outer envelope you're holding near  
12 your hand on the other side.

13 A. Yes. Yep.

14 Q. And which one is that?

15 A. This is the HT and C -- HTC cell phone.

16 Q. Now, Detective, did you submit any of the evidence we've  
17 just talked about for testing?

18 A. Yes.

19 Q. Can you tell us what kind of testing you submitted the  
20 evidence for.

21 A. Yes. For the firearms was the routine firearms, firearms  
22 examination, and then also request for latent prints.

23 Q. And did you make any attempts to identify the person who  
24 was riding the dirt bike that day?

25 A. Yes, I did.

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1 Q. Can you tell us what you did.

2 A. Yeah. While we were on-scene at that time, officer from  
3 the Southwest District, Officer Shank, came up to the location.  
4 They gave us assistance with the investigation. And at that  
5 time Officer Shank had a group of known criminal identified --  
6 known criminal players up in that Southwest District area, and  
7 he showed us a group of photographs that he had.

8 And upon looking at the photographs, I looked at one of  
9 the photographs that kind of resembled the male that was riding  
10 the dirt bike.

11 Q. And who was that individual?

12 A. That individual was identified as Jawaun Talley from the  
13 photograph.

14 Q. And did you later do any investigation into Mr. Talley?

15 A. Yes, I did.

16 Q. And what did you learn?

17 A. I learned that Mr. Talley was, in fact, incarcerated  
18 during the time of this offense, so he could not have been the  
19 suspect riding the dirt bike. So he was quickly eliminated as  
20 a suspect.

21 Q. And just a couple of more follow-up questions.

22 But are you personally familiar with the individuals who  
23 frequent this area of Tucker Lane?

24 A. No, ma'am.

25 Q. And how long were you face to face with the individual on



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1 the dirt bike that day?

2 **A.** Brief seconds, a matter of seconds.

3 **MS. PERRY:** Court's indulgence.

4 Nothing further. Thank you.

5 **THE COURT:** All right. Thank you.

6 Cross?

7 (No response.)

8 **THE COURT:** Nobody. Okay.

9 Thank you very much, sir.

10 **THE WITNESS:** Okay. Thank you.

11 **THE COURT:** You're excused.

12 (Witness excused.)

13 **THE COURT:** All right. I will assume this is a good  
14 time for the mid-morning recess.

15 We'll start by excusing the jury.

16 (Jury left the courtroom at 11:26 a.m.)

17 **THE COURT:** All right. Mr. Enzinna, do you want to  
18 give me an idea of the issue you have as to  
19 Special Agent Wilde.

20 **MR. ENZINNA:** Yes, Your Honor. We were notified the  
21 other night by the Government that they intend to show  
22 Agent Wilde certain GPS records from Mr. Bailey's ankle monitor  
23 that he was wearing at the time of the James Edwards killing in  
24 February of 2015.

25 We object to that for a number of reasons.

1           The first reason is we object because this is an area  
2     that -- basically, what the Government is trying to do here is  
3     to reopen its redirect of Agent Wilde after having had the  
4     opportunity to consult with him, which is improper.

5           They should not have -- they do not have unlimited  
6     opportunities to amend and revise their testimony as they go  
7     along.

8           We agreed to let the agent testify separately with  
9     respect to the separate murders, but not with the understanding  
10    that that would mean that each of those murders would remain  
11    open for him to alter his testimony as time went on.

12          That's the first objection.

13          The second set of objections is that these records are  
14    inadmissible, and they're inadmissible for several distinct  
15    reasons.

16          First of all -- first, the part of the package that we  
17    were given was a letter from the GPS company certifying that  
18    the records are accurate. We believe it's a Crawford violation  
19    to try and do it that way.

20          Second, and more important, the records are  
21    unreliable.

22          **THE COURT:** Are these the same records that the  
23    Government moved to --

24          **MS. HOFFMAN:** No, and it may be --

25          **THE COURT:** Okay. I'm sorry. I didn't mean to -- I

1 didn't mean to interrupt Mr. Enzinna, but I just wanted to --

2 **MR. ENZINNA:** They're not. They're not. I have the  
3 Government's motion here (indicating).

4 What the Government asked to keep out were records  
5 called Enrollee Track Address (indicating). And what the  
6 Government said in their brief was that these records, the  
7 Enrollee Track Address records were not accurate and that the  
8 only accurate data upon which reliable conclusions could be  
9 drawn is the raw GPS data, which is what they have now given  
10 us, the raw GPS data.

11 **THE COURT:** Okay.

12 **MR. ENZINNA:** The problem is -- there are a couple of  
13 problems here.

14 One is that if you read the letter that purports to  
15 certify these documents, it does not certify these documents.  
16 What it says -- it's certifying the enrolled track -- the  
17 Enrollee Track Subpoena Report, which is not what we have here.  
18 What we have here is the raw GPS data, not the enrollee track  
19 data which the Government told the Court was unreliable  
20 (indicating).

21 So basically, the certifier is certifying the wrong  
22 documents.

23 Second, these documents are demonstrably unreliable  
24 because you can see -- if you look, for example, Your Honor --  
25 if you look at these records -- and they're very difficult to

1 see, and I apologize. I don't know if I can do this in a way  
2 that's visible.

3 **THE COURT:** I'm probably going to have to look at the  
4 paper.

5 **MR. ENZINNA:** That's sort of visible.

6 **THE COURT:** Okay.

7 **MR. ENZINNA:** If you look at these documents, you see  
8 here on February 12th, 2015, at 25 minutes after midnight,  
9 there's a GPS point that's provided right there.

10 And if you look at that GPS point, that latitude and  
11 longitude point, that is inside Druid Hill Park.

12 At the same time, however, the Enrollee Track Report  
13 for that date -- let me find it now -- provides -- states --  
14 the Enrollee Track Report states that at 24 minutes and 45  
15 seconds after midnight, the GPS unit was on I-95 in Halethorpe,  
16 Maryland.

17 Now, those two points are one minute apart --  
18 actually, 59 seconds apart, but those two locations are seven  
19 miles apart. Any individual moving between them in the course  
20 of one minute would have to be going over 400 miles per hour,  
21 so these records are not reliable.

22 And, finally, it's improper to try and put these  
23 documents in through Agent Wilde. Agent Wilde has no personal  
24 knowledge about these documents. He was not involved in the  
25 ankle monitoring, and he's not an expert. He is not qualified

1 or noticed as an expert on GPS data. No opinion was disclosed  
2 with respect to GPS data.

3 And it's simply -- he cannot lay a foundation for  
4 these records. I mean, they are certified, and that removes  
5 the hearsay objection. But he cannot lay a foundation for  
6 these records for what they are. He has no personal knowledge.

7 **THE COURT:** Okay. Thank you.

8 **MR. ENZINNA:** Thank you.

9 **THE COURT:** Do you have copies that I could look at?

10 **MR. ENZINNA:** Yes, I do.

11 **THE COURT:** I'll get them back to you.

12 **MR. ENZINNA:** This is the blank -- these are blank  
13 copies of the Enrollee Track Reports and the GPS data.

14 (Counsel conferred.)

15 **MR. ENZINNA:** (Hanging.)

16 **THE CLERK:** (Hanging.)

17 **MS. WHALEN:** Would Your Honor also like to see the  
18 expert notice?

19 **THE COURT:** For Special Agent Wilde?

20 **MS. WHALEN:** For Special Agent Wilde.

21 **THE COURT:** Sure.

22 **MR. ENZINNA:** (Hanging.)

23 **THE CLERK:** (Hanging.)

24 **THE COURT:** Okay. Ms. Hoffman.

25 **MS. HOFFMAN:** Yes. Let me try to clarify the factual

1 landscape a little bit.

2 So, as Your Honor recalls, the Government filed a  
3 motion to exclude unreliable Enrollee Track Reports that had  
4 been initially provided from a company called ASAP, Advantage  
5 Sentence -- and I'm forgetting the exact name of the company.

6 **THE COURT:** But ASAP, I remember, yes.

7 **MS. HOFFMAN:** And those records are demonstrably  
8 unreliable. And as we noted in our report, we spoke to an  
9 expert witness from the parent company, Satellite Tracking of  
10 People, who explained that the records that we had been  
11 provided from ASAP are not the records that they testify about;  
12 they're not reliable. They, in fact, have a disclaimer on the  
13 bottom of the Enrollee Track Report saying that they can't  
14 guarantee the accuracy, and they don't ever rely on those  
15 records in court.

16 We diligently tried, over a period of months, to get  
17 the raw GPS data from the parent company, Satellite Tracking of  
18 People, and there was a lot of back-and-forth. We issued, I  
19 believe, more than one subpoena over a period of several  
20 months.

21 And we finally did, shortly after filing our motion to  
22 exclude, get the raw GPS data from the parent company,  
23 Satellite Tracking of People. And we then, as soon as we got  
24 it, turned it over to the defense.

25 It's possible that the defense had it already. We did

1 receive notification from Satellite Tracking of People that  
2 there had been defense requests for the same data as well.

3 So that was -- the raw GPS data from the parent  
4 company, Satellite Tracking of People, we got at the very tail  
5 end of February and turned over March 1st to the defense. So  
6 it was a few weeks before or almost three weeks before trial  
7 started.

8 We were not planning to ask Special Agent Wilde about  
9 the GPS records, and we noticed him to testify about cell site  
10 location information that was based on certified call-detail  
11 records for a number of cell phones.

12 However, when Detective Kazmarek was testifying about  
13 the Bangout murder, as I think Your Honor probably recalls,  
14 Ms. Whalen questioned him about the unreliable purported GPS  
15 records -- they're not really GPS records -- but the unreliable  
16 records that Detective Kazmarek had received from the ASAP  
17 company. So she -- Detective Kazmarek, in the course of his  
18 investigation, received only these unreliable  
19 Enrollee Track Reports from ASAP.

20 And so Ms. Whalen questioned him about those records,  
21 and I can't remember the exact question. But it was something  
22 along the lines of: Isn't it true that you received records  
23 for Mr. Bailey's ankle bracelet and they don't support him  
24 being at the scene?

25 And we objected to that, and I believe Your Honor

1 overruled the objection. And Detective Kazmarek responded  
2 truthfully, based on those unreliable records, that they didn't  
3 support him being at the scene.

4 So by doing that, by questioning him about the  
5 unreliable records, we believe they, of course, opened the door  
6 to what are the actual reliable GPS records, which, in fact,  
7 show -- they show a similar gap in time to what the cell site  
8 records show between 12:32 a.m. and 3:30 a.m. that night.

9 They don't show where Dante Bailey was; however, there  
10 are a few additional GPS points after the last cell site point.  
11 So the last cell site point is at 12:23 a.m., and there are a  
12 few additional GPS points between 12:23 a.m. and 12:32 a.m.  
13 which show Mr. Bailey moving in a southward direction.

14 So basically, in the same direction -- I mean, you  
15 couldn't say that he's moving towards the crime scene. But  
16 he's moving south, which is the direction of the crime scene  
17 from where the last cell site sector is.

18 So we believe that by questioning Detective Kazmarek  
19 about the unreliable records that we had, you know, moved to  
20 preclude, they opened the door to questioning of  
21 Special Agent Wilde about the reliable GPS records simply to  
22 clarify the record that, in fact, the GPS records, although  
23 they don't show where Dante Bailey was at the time of the  
24 murder, they do support that he was moving southward in that  
25 direction half an hour before the murder.



1 And that's all we wish to do is to clarify the  
2 misimpression that was put in the jury's minds.

3 Special Agent Wilde, we did -- as Your Honor probably  
4 recalls, Ms. Perry attempted to question him about this the  
5 first time he was on the stand. And Ms. Whalen objected  
6 because she said the GPS records weren't in evidence and  
7 Your Honor sustained the objection.

8 But we do have these certified records. They are the  
9 reliable records that are routinely certified by the parent  
10 company, Satellite Tracking of People. And I think Mr. Enzinna  
11 has attempted to show that they're unreliable because they  
12 conflict with what the company has acknowledged are unreliable  
13 records. But I don't think that the logic follows there, that  
14 the GPS records from Satellite Tracking of People are reliable.  
15 These are the records they do certify. These are the records  
16 that their experts do testify about in court.

17 And it's true that they conflict with the unreliable  
18 records, and that only shows that the unreliable records are  
19 just that, unreliable.

20 So we have reliable, certified records. There's no  
21 Crawford -- there's no -- certainly no confrontation problem.  
22 These records are routinely certified and testified about in  
23 court.

24 And what we're seeking to do is not to alter  
25 testimony, as Mr. Enzinna claims, but simply to correct the

1 record on a material point of information. I don't think  
2 it's -- and the jury can't be left with the misimpression that  
3 there are ankle bracelet records that don't support the  
4 defendant being at the scene.

5 **THE COURT:** Okay.

6 **MR. ENZINNA:** Your Honor, a couple of points.

7 First of all, I would point out that the Government  
8 questioned Mr. Greer about the GPS -- the ankle monitor and  
9 about Mr. Bailey's supposed tampering with it.

10 **THE COURT:** I'm sorry. Start again.

11 **MR. ENZINNA:** I would point out that the Government  
12 raised the issue of the ankle monitoring bracelet with  
13 Mr. Greer when they asked him about Mr. Bailey supposedly  
14 tampering with it. That was before Detective Kazmarek  
15 testified.

16 Second, the Government says it had these records at  
17 the end of February, so it had them obviously before trial.

18 And if they felt that Detective Kazmarek was being --  
19 that a false impression was being portrayed, they had those  
20 records; they could have redirected Agent Kazmarek on those  
21 records at the time.

22 The point is that you --

23 **THE COURT:** You wouldn't have objected if the GPS  
24 records were used with Detective Kazmarek?

25 **MR. ENZINNA:** I might have objected, but I'm not sure

1 it would have been sustained.

2 **THE COURT:** Well, what I'm hear -- okay. I'm going to  
3 have to look at Kazmarek's testimony, I suppose.

4 **MR. ENZINNA:** Okay. But the point is, Agent -- well,  
5 two points.

6 One is these records are not -- what she certified in  
7 this document is the attached Enrollee Track Subpoena Report,  
8 and this is not the Enrollee Track Subpoena Report. This is  
9 the raw GPS data. She's certifying something that's not here.  
10 She's certifying something else, something that the Government  
11 says is unreliable.

12 And --

13 **THE COURT:** Let me -- okay. I have a couple things in  
14 front of me.

15 I have something directed to Danielle Winchester.

16 **MR. ENZINNA:** Correct.

17 **THE COURT:** And it is signed by Ashley Fuller of  
18 Satellite Tracking of People, LLC. And it says [reading]:  
19 I've analyzed and reviewed the attached data records for  
20 Bailey, Dante, certain number, true and correct copy of  
21 records.

22 What's attached is three pages which I can't read.

23 You're saying it's the remote tracking, but is it --  
24 what is it? Is it the GPS data that's attached to this  
25 certification?

1           **MR. ENZINNA:** This is the raw GPS data that's  
2 attached.

3           **THE COURT:** Okay. Then they're certifying the raw GPS  
4 data. That's correct.

5           **MR. ENZINNA:** No. If you read the last sentence of  
6 the letter, it says [reading]: The aforementioned information  
7 is provided in the attached Enrollee Track Subpoena Report.

8           And that's not what's attached here.

9           **THE COURT:** But you're ignoring the second paragraph.  
10 I've analyzed and reviewed the attached data records. They're  
11 a true and correct copy of records. They're kept in the  
12 ordinary course of business.

13           The third paragraph relates to data results shown in  
14 VeriTracks recorded on a CD.

15           And that's in the attached  
16 Enrollee Track Subpoena Report, which appears to be a different  
17 document.

18           **MR. ENZINNA:** Well, I don't know if that's true.

19           **THE COURT:** Well, I'm just looking at the --

20           **MR. ENZINNA:** No. That -- the document that you're  
21 holding in your left hand, the  
22 Enrollee Track Subpoena Report --

23           **THE COURT:** Right.

24           **MR. ENZINNA:** -- my understanding is that that  
25 information did not come from STOP. It came from ASAP.

1           **THE COURT:** Well, so then that's even more clear that  
2 what the satellite people are certifying is the raw GPS data.

3           **MR. ENZINNA:** I don't think it's at all clear that  
4 she's -- that she's certifying two separate documents here.  
5 This is all I've received.

6           **THE COURT:** She's not certifying two. The one that  
7 she is certifying, which is attached to the letter, is the raw  
8 GPS data.

9           Right?

10          **MR. ENZINNA:** It appears to be.

11          **THE COURT:** Okay.

12          **MR. ENZINNA:** But what she is certifying is the  
13 Enrollee Track Subpoena Report.

14          **THE COURT:** Well, that may be a matter of how you read  
15 the letter.

16          **MR. ENZINNA:** Well, there's only --

17          **THE COURT:** I'm going to go look at --

18          **MR. ENZINNA:** There's only one thing attached to the  
19 letter.

20          **THE COURT:** I'm sorry?

21          **MR. ENZINNA:** There's only one thing attached to the  
22 letter.

23          **THE COURT:** And that is the raw GPS data.

24          **MR. ENZINNA:** But she says it is the Enrollee -- the  
25 Enrollee Track Subpoena Report.

1           **THE COURT:** Okay. We can agree to disagree about the  
2 contents of the letter, I suspect. But I'm going to go read  
3 it, and I'm going to look at the cross-examination of  
4 Detective Kazmarek.

5           **MR. ENZINNA:** Well, Your Honor, I understand what  
6 you're saying.

7           But if there were two separate documents that she was  
8 talking about in this letter, only one is attached in this.

9           **THE COURT:** And if so, the only one that is attached  
10 is the raw GPS data, not the unreliable Enrollee Event Report.

11           **MR. ENZINNA:** Well, to be honest with you, I'm not  
12 certain of that.

13           **THE COURT:** Okay. Thank you very much. We'll take a  
14 recess.

15           **MR. ENZINNA:** No --

16           **THE COURT:** The gallery is excused first.

17           All right. We'll recess.

18           (Recess taken.)

19           **THE COURT:** All right. Okay. So I have a copy of the  
20 documents, so I have them to give back.

21           I had time to look at the cross of Detective Kazmarek.  
22 I have not had time to go back and look at the Government's  
23 motion.

24           The short answer is I cannot rule on this between now  
25 and the immediate next moment when I think Special Agent Wilde

1 is going to be called to testify.

2 So I don't know yet whether I'll have to give you  
3 permission to re-call Special Agent Wilde or whether we're  
4 going to need something more by way of certification or  
5 explanation.

6 It does appear that what might arguably be a  
7 misimpression was left on cross-examination. And it appears  
8 that the cross-examination probably was based on the same  
9 records that the defense is now saying are not accurate.

10 So there would seem to need to be a way to get into  
11 this. But I'm not quite prepared to do it now.

12 I noted that the third paragraph of this letter to  
13 Officer Winchester also discusses a CD. I think it's talking  
14 in part about the raw GPS data that's attached and that it's  
15 certifying that. But I need to ask you about what the CD is a  
16 reference to, and I can't decide this right this minute.

17 So I'll have to defer on that issue and go ahead with  
18 the other testimony from Special Agent Wilde.

19 **MS. HOFFMAN:** So, Your Honor, Special Agent Wilde,  
20 unfortunately, is not available next week. And so I guess our  
21 question would be: Would it be possible to call another  
22 witness first? And does Your Honor -- do you believe that  
23 you'll be able to rule at some point today or . . .

24 **THE COURT:** I don't know. That does not seem likely,  
25 given that we'll be here in court the entire day. I may be

1 able to look at it further tomorrow and review your original  
2 motion to exclude. So possibly by Thursday. But I'm not  
3 100 percent. I mean, we are sitting on Thursday, obviously.

4 **MS. HOFFMAN:** Right.

5 **THE COURT:** Were you only calling Special Agent Wilde  
6 for that point?

7 **MS. HOFFMAN:** No. We are calling him to testify about  
8 the cell site data for two additional murders, the Hornes  
9 murder and the Johnson murder. But I just did want to flag for  
10 Your Honor that he won't be available next week; and so if we  
11 were to re-call him, we would have to do it on Thursday.

12 **THE COURT:** Okay. I'll try to see where I am before  
13 Thursday. I guess your alternative is getting somebody from  
14 Securus back.

15 **MS. HOFFMAN:** Right.

16 **THE COURT:** Okay.

17 **MS. HOFFMAN:** Oh, one brief issue.

18 I was just informed that the supervisor of the CSOs in  
19 the courthouse has asked whether Mike Pratt can now help with  
20 CSO duties for the trial now that he has already testified.

21 We don't expect that we will be calling him again as a  
22 witness.

23 I don't know if any of the defendants wish to call  
24 him; but if not, the CSOs would like to be able to use him to  
25 help out with the trial again.



1           **THE COURT:** Okay.

2           **MS. WHALEN:** Would that mean he'd be interacting with  
3 the jury?

4           **THE COURT:** Would that mean interacting with the jury?

5           **MS. HOFFMAN:** I don't know the answer to that  
6 question. I'm sorry.

7           **THE COURT:** I think it would be best if he not be in  
8 the courtroom, and certainly not to be interacting with the  
9 jurors, given that he was a witness in the case.

10          **MS. HOFFMAN:** Sure. Thank you.

11          **THE COURT:** Sorry.

12          Anything else?

13          (No response.)

14          **THE COURT:** So we can bring in the jury and take the  
15 other testimony from Special Agent Wilde.

16          And sometime either today or Thursday, we need to take  
17 up the other issue with Mr. Enzinna's absence, so you were  
18 going to let me know. Okay.

19          (Jury entered the courtroom at 12:09 p.m.)

20          **THE COURT:** All right. Does the Government have  
21 another witness?

22          **MS. HOFFMAN:** Yes, Your Honor. At this time the  
23 Government re-calls Special Agent Mat Wilde.

24          **THE COURT:** Okay.

25          **THE CLERK:** Agent Wilde, you're still under oath.

~~WILDE - DIRECT~~

**THE WITNESS:** Okay. Thank you, ma'am.

SPECIAL AGENT MATHEW WILDE, GOVERNMENT'S WITNESS,  
PREVIOUSLY SWORN.

DIRECT EXAMINATION

**BY MS. PERRY:**

**Q.** Good afternoon.

**A.** Good afternoon.

**Q.** Can you remind us where you work and what your title is there.

**A.** I'm a Special Agent with the FBI in Baltimore.

**Q.** And I believe when you testified last, you discussed that you were a member of the CAST Unit. Can you remind the jurors what that is.

**A.** The CAST Unit is a Cellular Analysis Survey Team. It's a group of agents and task force officers across the country that specialize in reading historical call-detail records.

**MS. PERRY:** Your Honor, I believe that Agent Wilde was qualified as an expert. I would ask that he be allowed to testify as that.

**THE COURT:** That continues.

**BY MS. PERRY:**

**Q.** So, Agent Wilde, I believe you testified that you received a request for assistance from the ATF in connection with an investigation into several homicides.

**A.** Yes, ma'am.

~~WILDE - DIRECT~~

1 Q. So I want to turn specifically to a homicide that occurred  
2 on April 28th of 2016. Did you receive a request for  
3 assistance in connection with an investigation into a homicide  
4 that occurred on that particular day?

5 A. Yes, ma'am.

6 Q. And did you also receive call-detail records in connection  
7 with that request?

8 A. Yes, I did.

9 Q. So I want to approach and show you Government's CDR-4, 5,  
10 6, and 7 for identification only.

11 (Hanging.)

12 Do you recognize CDRs 4, 5, 6, and 7?

13 A. Yes, ma'am.

14 Q. What are they?

15 A. Number 4 is the call-detail records for (443) 709-7780.

16 Number 5 is the call-detail records for (802) 839-8109.

17 Number 6 is the call-detail records for (443) 600-0131.

18 And then number 7 is the call-detail records for

19 (443) 240-6066.

20 Q. And if you would, can you just remind the jurors briefly  
21 why companies maintain call-detail records.

22 A. They maintain them primarily for billing purposes, to know  
23 how much to bill the customer every month. They also maintain  
24 them for network diagnostic reasons to figure out where their  
25 calls are dropped.

~~WILDE - DIRECT~~

1 And then they also keep them for 9-1-1 purposes.

2 Q. And using the call-detail records that you have in front  
3 of you, were you able to identify cell phone towers that these  
4 particular cell phones used to send or receive communications  
5 around the time of the homicide on April 28th of 2016?

6 A. Yes, ma'am.

7 Q. How were you able to do that?

8 A. I was able to, by reading the call-detail records,  
9 comparing the cell towers used to a cell tower list and then  
10 figure out where on earth those towers are located and then  
11 creating a mapping product.

12 Q. And did you prepare a report to help you explain your  
13 analysis for the homicide that occurred on this particular day?

14 A. I did.

15 Q. Before showing you the report, were you provided any other  
16 information from the investigating agencies with respect to  
17 this particular homicide?

18 A. Yes, ma'am. I was provided the pertinent addresses.

19 Q. Now, I want to show you Government's CSLI-2.

20 Do you recognize this?

21 A. Yes, ma'am. This is a copy of my report for this specific  
22 incident.

23 Q. So I want to turn, first, to Page 3.

24 Can you tell us what we're looking at here.

25 A. Sure. So the -- first of all, all the green dots

~~WILDE - DIRECT~~

1 represent T-Mobile cell phone towers in this west side of  
2 Baltimore.

3 The red dot, the very base of that red pin, represents  
4 4700 Haddon Avenue in Gwynn Oak, Maryland.

5 And in the very base of the green pin is  
6 7607 Reserve Circle in Windsor Mill, Maryland.

7 **Q.** Turning to Page 4, can you tell us what we're looking at  
8 here.

9 **A.** This is the same map as the previous map. The only  
10 differences in this map, I'm showing the location of the AT&T  
11 towers, which are represented by the blue dots.

12 **Q.** And, finally, Page 5?

13 **A.** This, again, is the same map as the previous two. The  
14 major difference being I'm showing the Sprint towers on -- with  
15 the black dots.

16 **Q.** I'm going to turn to Page 6.

17 Can you tell us, first, what phone we're looking at here.

18 **A.** So this is (443) 240-6066.

19 **Q.** And what time frame are the plotted points here?

20 **A.** These are the calls between 8:22 and 11:03 p.m.

21 **Q.** And looking specifically -- oh, actually, were you  
22 provided with a time that was relevant to this particular  
23 report?

24 **A.** I do [sic], but I don't recall it off the top of my head.  
25 I'm sorry.

~~WILDE - DIRECT~~

1 Q. And looking at this report, are there any calls made or  
2 received or any points you were able to identify for around  
3 9:55 p.m. on April 28th of 2016?

4 A. No, ma'am. There's a gap between 8:23 p.m. and 11:02 --  
5 11:02 p.m.

6 Q. So I want to turn now to Page 7.

7 Can you tell us what phone number we're looking at here.

8 A. This is (443) 600-0131.

9 Q. And can you just remind us or tell us what eNB stands for  
10 on your report.

11 A. So eNB stands for eNodeB, which is nothing more than a  
12 cell phone tower number for a different -- for 4G, which is LTE  
13 technology.

14 Q. And can you remind us what the wedges indicate.

15 A. The wedges indicate the tower that's being used and the  
16 side of the tower that's being used, so which sector is being  
17 used by that telephone.

18 Q. And looking here at this particular slide, can you tell us  
19 the time frame we're looking at for this particular phone.

20 A. Sure. We're looking at 4:35 p.m. to 8:38 p.m.

21 Q. So this is all before 9:55 p.m. on April 28th of 2016?

22 A. Yes, ma'am.

23 Q. Turning now to Page 7 -- Page 8.

24 Can you tell us what phone we're looking at here.

25 A. This is (443) 709-7780.

WILDE - DIRECT

1 Q. And what time frame are we looking at here?

2 A. This is 4:14 and 4:19 p.m.

3 Q. Turning now to Page 9, can you tell us what phone numbers  
4 we're looking at here.

5 A. This is (443) 709-7780 and (802) 839-8109. And this is  
6 for 4:34 to 8:13 p.m.

7 Q. So, again, this would all be before 9:55 p.m.?

8 A. Yes, ma'am.

9 Q. Turning now to Page 10, can you tell us what we're looking  
10 at here.

11 A. Sure. This is the same two numbers, (443) 709-7780 and  
12 (802) 839-8109. And these are calls at 8:26 -- between  
13 8:26 and 8:33 p.m.

14 Q. And can you give us a general idea of what the location  
15 we're looking at here is.

16 A. Sure. This is on the west side of Baltimore City near  
17 Fairmount, and the phones are using the tower that's in that  
18 location.

19 Q. And does this slide -- are you able to tell whether it's  
20 consistent or inconsistent with these phones being in a similar  
21 location at around these times?

22 A. It's consistent because the first call at 8:26, the  
23 phone's using Sector 3, which is the -- the blue phone is using  
24 Sector 3, which faces southeast.

25 But then at 8:31, 8:32, and 8:33, both phones have a call

~~WILDE - DIRECT~~

1 that is on Sector 4, which is on the left side of the tower.

2 Q. Turning now to Page 11, what time frame, first, are we  
3 looking at here?

4 A. This is 8:53 to 10:30 p.m.

5 Q. And what phones are we looking at here?

6 A. (443) 709-7780 is in red.

7 (802) 839-8109 is in blue.

8 And (443) 600-0131 is in purple.

9 Q. And where are these phones during this particular time  
10 frame in relation to 4700 Haddon Avenue?

11 A. They are using the tower in a sector that's about .2 miles  
12 from Haddon Avenue.

13 Q. And does -- based on what you've plotted here and the  
14 usage on these particular phones, is it consistent or  
15 inconsistent with these phones being in a similar location at  
16 this particular time?

17 A. It would be consistent.

18 Q. And, again, you said the -- can you just walk us through  
19 the calls made on the 8109 number. What time frame are we  
20 looking at?

21 A. Sure. So you have two calls at 8:53, a call at 9:21, a  
22 call at 10:18 p.m., and a call at 10:30 p.m.

23 Q. And as to the 0131 number?

24 A. There's just one call at 9:19 p.m.

25 Q. And as to the 7780 number?



~~WILDE - DIRECT~~

1 A. There's a call at 9:47, 9:50, and 10:28 p.m.

2 Q. And, finally, turning to Page 12, first of all, what time  
3 frame are we looking at here?

4 A. Here we're looking at 10:48 p.m. on the 28th until  
5 12:26 a.m. on the 29th, so just after midnight.

6 Q. And so these calls start after 9:55 p.m. on April 28th of  
7 2016?

8 A. Yes, ma'am.

9 Q. And are all of the -- are the records here that you've  
10 plotted consistent with the phones being in different locations  
11 during this time frame?

12 A. Yes, ma'am.

13 Q. Now, Agent Wilde, I want to shift your attention and ask  
14 you about whether or not you received a request for assistance  
15 in connection with an investigation into a homicide that  
16 occurred on August 10th of 2016.

17 A. Yes, I did.

18 Q. And did you also receive call-detail records with respect  
19 to that request?

20 A. Yes.

21 Q. I'm going to approach and show you  
22 Government's Exhibit CDR-8 and CDR-9.

23 (Hanging.)

24 Do you recognize these?

25 A. I do.

~~WILDE - DIRECT~~

1 Q. What are these?

2 A. CDR-8 is call-detail records for (443) 640-8950.

3 And CDR-9 is the call-detail records for (443) 447-0282.

4 Q. And I should have been clear. I'm showing you those for  
5 identification only at this point.

6 A. Yes, ma'am.

7 Q. And using these records, were you able to identify the  
8 cell phone towers that these cell phones used to send or  
9 receive communications around the time of the homicide on  
10 August 10th of 2016?

11 A. Yes, ma'am.

12 Q. And did you prepare a report to help your analysis with  
13 respect to this particular investigation?

14 A. Yes, I did.

15 Q. Were you provided any other information other than the  
16 call-detail records with respect to this particular report?

17 A. I was provided the addresses to focus on and an estimated  
18 time frame.

19 Q. So I'm going to show you Government's CSLI-3.

20 Can you tell us what we're looking at here.

21 A. This is the cover page. It just says who I am, where I  
22 work, and the two telephone numbers involved. So in this case  
23 it's (443) 640-8950, (443) 447-0282.

24 Q. And is this the report you prepared with respect to the  
25 August 10th, 2016 homicide?

~~WILDE - DIRECT~~

1     **A.**    Yes, ma'am.

2     **Q.**    So turning to Page 3, can you tell us, first, what we're  
3    looking at here.

4     **A.**    Sure.  So the green dots, all the green dots represent  
5    T-Mobile cell phone towers.

6           The very base of that red pin is 1101 West Lanvale Street  
7    in Baltimore, Maryland.

8           The darker-blue pin is 2200 Kloman Street in Baltimore,  
9    Maryland.  That's down by the Inner Harbor in South Baltimore.

10          The green pin, which is up on the top left of the map, is  
11    2120 Tucker Lane in Baltimore, Maryland.

12          And then the purple pin is 961 Bennett Place in Baltimore.

13          And I'm sorry.  I missed one.  But the light-blue pin is  
14    1829 South Hanover Street in Baltimore, Maryland, which is down  
15    here 295 -- I'm sorry, near 95 and Highway 2.

16   **Q.**    Turning now to Page 4, can you tell us what we're looking  
17    at here.

18   **A.**    This is essentially the same map.  The major difference is  
19    showing the blue dots representing AT&T cell phone towers.

20   **Q.**    So turning now to Page 5, can you tell us what we're  
21    looking at here.

22   **A.**    So this is the activity on those two telephone numbers,  
23    (443) 640-8950 and (443) 447-0282, between August -- on  
24    August 9th at 10:43 p.m. to August 10th at 4:15 a.m.

25   **Q.**    And does the activity here during this time frame, is that

~~WILDE - DIRECT~~

1 consistent with the phones being in or around the area of  
2 961 Bennett Place?

3 **A.** Yes, ma'am. At around 12:25 a.m., it does, because  
4 there's only one call on the AT&T phone, and that's at  
5 12:25 a.m.

6 And there's a call on the T-Mobile phone at 12:20, so in  
7 that general time frame.

8 **Q.** Turning now to Page 6, can you tell us what time frame  
9 we're looking at here.

10 **A.** This is 4:15 a.m. to 5:16 a.m. on August 10th, 2016.

11 **Q.** And, actually, I want to go back for a moment to Page 5 of  
12 your report.

13 Was there any activity on the phones around 2:30 in the  
14 morning?

15 **A.** Only on the T-Mobile phone, and that's at 2:43 a.m.  
16 There's two calls.

17 **Q.** And are those calls consistent with that phone being in  
18 and around the area of both 961 Bennett Place and  
19 101 West Lanvale Street?

20 **A.** Yes, ma'am.

21 **Q.** So now turning to Page 6, again, sorry, remind us what  
22 time frame we're looking at here.

23 **A.** So this is August 10th, 2016, between 4:15 a.m. and  
24 5:16 a.m., and this is the T-Mobile phone only.

25 **Q.** And looking at the particular records that we have here in

~~WILDE - DIRECT~~

1 front of us on Page 6 of this, is this consistent with the  
2 phone being in a number of different areas in that time frame?

3 **A.** Yes. It's consistent with the phone starting out in the  
4 area of Lanvale Street and Kloman Street, moving up towards  
5 Druid Hill Park and then out towards Pikesville at 5:16 a.m.

6 **Q.** Turning now to Page 7, can you tell us what we're looking  
7 at here.

8 **A.** So this is the activity on both phones, 64 --  
9 (443) 640-8950 and (443) 447-0282, between 6:12 and 6:25 a.m.  
10 on August 10th, 2016.

11 **Q.** And between 6:12 and 6:25 a.m., what area of Baltimore are  
12 these particular phones making or receiving calls in?

13 **A.** They're in South Baltimore, near Brooklyn Park.

14 **Q.** And is there any activity or was there any activity on  
15 either phone between -- and I'm going to scroll up to Page 6 --  
16 between 5:16 a.m. and 6:12 a.m.?

17 **A.** No, ma'am.

18 **Q.** And so the last point we see at 5:16 a.m. is in  
19 Northwest Baltimore, and then we see activity down in  
20 South Baltimore?

21 **A.** Yes, ma'am.

22 **Q.** Now, I want to turn to Page 8.

23 And can you tell us just what time frame we're looking at  
24 here.

25 **A.** This is 6:45 a.m. to 12:50 p.m.

~~WILDE - DIRECT~~

1 Q. And looking specifically at the 0282 phone, did that phone  
2 make or receive calls around 7:40 in the morning?

3 A. Yes, ma'am.

4 Q. And where were those located? Where was the phone located  
5 at that time?

6 A. The phone was located in West Baltimore. So there's a  
7 call at 7:39, close to Bennett Place; and then 7:40, further  
8 west at this middle sector here.

9 Q. And during this time frame between about 6:45 a.m. and  
10 12:50 p.m., was the phone in a number of locations in the  
11 West Baltimore area?

12 A. Yes, ma'am.

13 Q. I'm turning to Page 8.

14 What time frame are we looking at here?

15 A. This is 1:18 p.m. to 1:35 p.m.

16 Q. So, again, in the afternoon on August 10th of 2016, is  
17 this consistent with these phones being -- making and receiving  
18 calls in various areas?

19 A. Yes.

20 Q. And turning to Page 10, what time frame are we looking at  
21 here?

22 A. 1:35 to 2:04 p.m.

23 Q. And so, again, is this consistent with the phones being in  
24 various areas during this particular time frame?

25 A. Yes, ma'am. It's in East Baltimore at 1:35 and 1:38 and

~~WILDE - DIRECT~~

1 then in West Baltimore near Bennett Place at 2:04.

2 Q. Turning now to Page 11, can you tell us what time frame  
3 we're looking at here.

4 A. Yes, ma'am. This is 2:04 p.m. to 4:15 p.m.

5 Q. And are there -- how many calls, approximately, are we  
6 seeing on these particular phones during this time frame?

7 A. Probably about 25 or so.

8 Q. And are these calls located in a centralized area?

9 A. Yes. They're all located using those towers in the area  
10 of Bennett Place.

11 Q. And so would this be consistent with the phones being in  
12 or around 961 Bennett Place between 2:04 p.m. and 4:15 p.m.?

13 A. Yes, ma'am.

14 Q. And, finally, turning to -- or not finally, but turning to  
15 Page 12, can you tell us what time frame we're looking at here.

16 A. This is 4:41 p.m. to 5 o'clock p.m., and this is the  
17 T-Mobile phone only.

18 Q. And do we see call activity on the T-Mobile phone in this  
19 time frame?

20 A. Yes, ma'am.

21 Q. And where is the phone in this particular time frame?

22 A. It starts off kind of downtown Baltimore at 4:41 and then  
23 moves westward. So at 4:43, it's using Sector 1. And then  
24 4:57, using Sector 3. And then 5 o'clock, it uses Tower 40015,  
25 again, which is the one near Bennett Place.

~~WILDE - CROSS~~

1 Q. And, finally, turning to Page 13, can you tell us what  
2 time frame we're looking at here.

3 A. This is 5:51 to 6:31 p.m., and it's the same two phones.

4 Q. And are these two phones making or receiving calls around  
5 this time?

6 A. Yes, ma'am, they are.

7 Q. And where is the phone at this point?

8 A. The phone's using a tower over in West Baltimore, closest  
9 to 2120 Tucker Lane in Baltimore.

10 Q. And so is it -- are these calls made or received  
11 consistent with the phones being in or around the 2100 block of  
12 Tucker Lane between 5:51 and 6:31 p.m.?

13 A. Yes, ma'am.

14 MS. PERRY: Court's indulgence.

15 Nothing further. Thank you.

16 THE COURT: All right. Thank you.

17 Any questions?

18 Mr. Enzinna.

19 CROSS-EXAMINATION

20 BY MR. ENZINNA:

21 Q. Good afternoon, Agent Wilde.

22 A. Good afternoon, sir.

23 Q. Agent Wilde, in preparing these analyses -- I'm going to  
24 show you what I think is marked CDR-2. It's your report of the  
25 April 28th, 2016 homicide.



~~WILDE - CROSS~~

1 A. Yes, sir.

2 Q. And there are three telephone numbers -- well, four  
3 telephone numbers listed here; correct?

4 A. Yes, sir.

5 Q. Did you determine who -- whose phones those were?

6 A. I did not, no, sir.

7 Q. Did you determine who subscribed to those lines?

8 A. No, sir, I did not.

9 Q. Did you determine who had those phones in their possession  
10 at the time of these calls?

11 A. There's no way for me to know that, sir.

12 Q. Did anyone tell you whose calls -- whose phones they were?

13 A. They did, but I don't recall off the top of my head.

14 Q. Now, in your analysis of the August 10th, 2016 murder,  
15 there's only two telephone numbers; correct?

16 A. Yes, sir.

17 Q. And those are T-Mobile and AT&T; right?

18 A. Yes, sir.

19 Q. So you had previously, in the April 28th analysis, you  
20 tracked a phone from Sprint as well, too; right?

21 A. Yes.

22 Q. But this didn't include the phone from Sprint --

23 A. That's correct.

24 Q. -- right?

25 All right. Now, I'd like to show you a couple of pages

~~WILDE - CROSS~~

1 from your analysis of the April 28th homicide.

2 Page 3. And do you see right here (indicating) there's  
3 a --

4 A. I'm sorry, sir. I couldn't hear you.

5 Q. If you look right here where my finger is pointing,  
6 there's a cell tower there; correct?

7 A. Yes, sir.

8 Q. T-Mobile cell tower?

9 A. Yes, sir.

10 Q. And that appears to be -- well, if we can . . .

11 Oh, this map is not detailed enough to do that.

12 But, anyway, that's a little bit to the east of the  
13 Baltimore Beltway (indicating); right?

14 A. Yes, sir.

15 Q. And if you look at Page 4 of your report, there is the  
16 same tower listed as an AT&T tower; correct?

17 A. Yes, sir.

18 Q. And if you look at Page 5, there's the same location  
19 listed as a Sprint tower; correct?

20 A. Yes, sir.

21 Q. So if we look at Page 11 of your report, that's that tower  
22 (indicating); right?

23 A. Yes, sir.

24 Q. Right there (indicating).

25 And basically, you have three different phones pinging off

~~WILDE - CROSS~~

1 that tower; right?

2 **A.** Excuse me. I'm not sure that's the same tower, sir.

3 **Q.** You're not?

4 **A.** No. I don't think it is.

5 **Q.** Well, let's take a look.

6 Oh, you know, I think you're correct. I believe you are  
7 correct. My apologies.

8 If you look at Page 3 -- I was too far up Liberty Heights.

9 **A.** Yes, sir.

10 **Q.** If you look at Page 3, here is the tower (indicating).

11 **A.** Yes, sir. That's correct.

12 **Q.** And then -- well, that was the T-Mobile tower  
13 (indicating).

14 **A.** Yes, sir.

15 **Q.** And here's the AT&T tower (indicating).

16 **A.** Yes, sir.

17 **Q.** And here's the Sprint tower (indicating).

18 **A.** Yes, sir.

19 **Q.** So that's this tower?

20 **A.** Yes. It's all the same.

21 **Q.** But all three carriers have a location there.

22 **A.** They have equipment on the same -- on the same tower, yes,  
23 sir.

24 **Q.** Okay.

25 **MR. ENZINNA:** Your Honor, I'd like to use the big map

~~WILDE - CROSS~~

1 again, if I may.

2 **THE COURT:** Sure.

3 **BY MR. ENZINNA:**

4 **Q.** That tower is right about here (indicating), isn't it?

5 **THE COURT:** Do we have a mic?

6 **MR. ENZINNA:** I'm sorry?

7 Oh. I can't even do the old school technology.

8 **BY MR. ENZINNA:**

9 **Q.** All right. So that tower that we're talking about is  
10 right about here (indicating), Liberty Heights and  
11 Howard Park Avenue; right?

12 **A.** I think it's at Liberty Heights and just, yes, sir,  
13 Howard Park Avenue.

14 **Q.** Right. Like between Howard Park and Woodbine?

15 **A.** Yes, sir.

16 **Q.** So right about here (indicating)?

17 **A.** Yes, sir.

18 **Q.** And one of the towers faces roughly this way (indicating),  
19 and one faces roughly this way (indicating)?

20 **A.** Yes, sir.

21 **Q.** Okay. So basically anyone in this area, using their  
22 phone, would likely ping off that tower; right?

23 **A.** Yes, sir.

24 **Q.** And when you do these analyses, you are only looking at  
25 specific phones; right? You're not looking at all the phones

~~WILDE - CROSS~~

1 that are ping off that tower?

2 A. Correct. I'm looking at the phones for the records that  
3 were pulled for the specific case.

4 Q. So at these moments in time in your report, there could be  
5 many other phones ping off that same tower; right?

6 A. Yes.

7 Q. Okay. Now, are you aware that -- this is Woodbine Avenue  
8 right here (indicating), Woodbine and Liberty Heights  
9 (indicating). Were you aware that there was a candlelight  
10 vigil being held that evening at that location?

11 A. No, sir.

12 Q. For a murder that had occurred a day or so before?

13 A. No, sir.

14 Q. Were you aware that roughly -- on that evening, an  
15 individual named Maurice Braham, Braham, or Mookie, was killed  
16 here at Liberty Heights and Gwynn Oak Avenue (indicating)?

17 A. I -- I don't know who the victim's name was, sir.

18 Q. Okay. So -- but -- but Mr. Hornes, the Haddon Avenue  
19 killing, was right about here (indicating); right?

20 A. I have it at Haddon, just one block west of  
21 Hillside Road.

22 Q. Right. So just north of Liberty Heights; right?

23 A. Yes, sir.

24 Q. But people attending the candlelight vigil using their  
25 phones would probably be ping off that tower, too; right?

~~WILDE - CROSS~~

1     **A.**    It's possible.

2     **Q.**    Anyone who came out here because they'd heard about the  
3     murder of Mookie would also likely be using that phone [sic];  
4     correct?

5     **A.**    Yes.

6           **MR. ENZINNA:** That's all I have. Thank you.

7           **THE COURT:** Thank you.

8           Please return the mic and the map.

9           **MR. ENZINNA:** Happily.

10          **THE COURT:** All right. Mr. Davis.

11          **MR. DAVIS:** Yes. Thank you, Your Honor. Just a  
12     couple of questions.

13                                   CROSS-EXAMINATION

14     **BY MR. DAVIS:**

15     **Q.**    Agent, on your screen you should have  
16     Government's Exhibit CSLI-3, which is the report you prepared  
17     in reference to two telephone numbers, one ending in 8950 and  
18     one ending in 0282; is that correct?

19     **A.**    Yes, sir.

20     **Q.**    I'm going to direct your attention to Page 7 of that  
21     exhibit, and I'll bring it up on the screen for you.

22           And that seems to indicate that those two particular  
23     phones that you were plotting were separated at around 6:13 to  
24     6:25 a.m. on August 10th of 2016?

25     **A.**    I don't think I would make that conclusion -- I wouldn't

~~WILDE - CROSS~~

1 draw that conclusion from this map, sir.

2 **Q.** Would it be fair to say you can't definitively state  
3 whether they were together or whether they were separated based  
4 on the data that you were able to obtain and plot?

5 **A.** Well, first of all, the first -- the first issue I would  
6 see with making that conclusion is that the calls aren't at the  
7 same time, so there's calls at 6:23 and 6:25 on one phone and  
8 6:12 and 6:13 on the other.

9 The second issue with that is even if they were using the  
10 same tower and sector at around the same time -- let's say it  
11 was 6:13 and 6:14 -- I still can't say specifically that they  
12 were sitting in the same car, the same house. All I can say is  
13 that they're using the tower and sector that provides coverage  
14 to the area that it covers.

15 **Q.** And the two telephone numbers, the 8950 and the 0282,  
16 would they hit on the same towers or would they hit on  
17 different towers?

18 **A.** It depends. If AT&T had equipment on the towers, then --  
19 on the same towers as T-Mobile, then yes. If they were next to  
20 each other, they should hit on the same towers. But that's not  
21 always going to happen.

22 **Q.** And you're telling us that you can't -- you can't tell  
23 from looking at Page 7 of CSLI-3 whether they were together or  
24 whether they were hitting on the same towers because you can  
25 only tell what tower is being hit when a call is made?

~~WILDE - CROSS~~

1     **A.**    Yes, sir.

2     **Q.**    Now, directing your attention to Page 8.

3           What about on Page 8, between 7:38 and 12:50, can you draw  
4   any conclusions as to whether these two phones are together on  
5   August 10th?

6     **A.**    I would say at 7:38 and 7:39 they're, in fact, not  
7   together because the T-Mobile phone is using the tower over  
8   towards the left of the page at 7:39. And at 7:38, the AT&T  
9   phone is using the tower to the right of the page, all the way  
10  to the right.

11   **Q.**    Now, what about when we go to Page 13 of that exhibit?

12           I'll bring it up for you. It's probably easier.

13           Would it be fair to say that they appear to be together  
14  during that time period, between 5:51 and 6:31?

15   **A.**    I mean, again, at 5:51, you have a call on the T-Mobile  
16  phone using Sector 3, which is the one that faces west.

17           But then at 6:26 and 6:31, you have calls on the T-Mobile  
18  and the AT&T phone that both face north, using the same tower.

19   **Q.**    So can you draw a conclusion that those phones are  
20  together during that time period?

21   **A.**    No. What I can say is that they're both using towers and  
22  sectors consistent with being in the same area during those  
23  time periods.

24   **Q.**    But you can't definitively state whether the phones are  
25  together or separated?



~~WILDE - CROSS~~

1     **A.**    Of course not.

2     **Q.**    You don't know what time these phones were seized on  
3    August 10th either, do you?

4     **A.**    No, I don't.

5     **Q.**    Now, you reviewed the call detail. They were marked for  
6    identification purposes only for 8950 and 0282; correct?

7     **A.**    Yes, sir.

8     **Q.**    Did you review that call detail?

9     **A.**    Yes, sir. I reviewed it to create this report.

10    **Q.**    And on how many occasions did 8950 and 0282 communicate  
11    with one another, at least according to the phone records on  
12    August 10th?

13    **A.**    I don't have that information.

14    **Q.**    And what you can tell us from the cell site location  
15    information, in addition to what you've testified to here  
16    already, you can tell us that the phones with these assigned  
17    numbers were in different parts of the city at different times;  
18    correct?

19    **A.**    Yes, sir. Just that on that one -- that one occasion  
20    where the T-Mobile phone's in West Baltimore and the AT&T phone  
21    is in East Baltimore.

22    **Q.**    But the cell site location information, that in no way  
23    indicates the person that's using the phone?

24    **A.**    Correct.

25           **MR. DAVIS:** Thank you, Agent.

~~WILDE - CROSS~~

## CROSS-EXAMINATION

**BY MR. TRAINOR:**

**Q.** Good afternoon.

**A.** Good afternoon, sir.

**Q.** I want to show you CSLI-2, Page 11, which deals with the events of April 28th, 2016, based upon your review of historical cell site location information.

**A.** Okay.

**Q.** All right. Now, on this Page 11, we have a tower that is numbered 40145; correct?

**A.** Yes, sir.

**Q.** And is that a T-Mobile tower?

**A.** Yes, sir. It has T-Mobile -- has T-Mobile, AT&T, and Sprint all on that same tower.

**Q.** Oh, so all three companies have it on the same tower.

So I think you've said that the red symbol, which is roughly here (indicating), is about two miles from --

**A.** No. I said .2 miles, sir, like two-tenths of a mile.

**Q.** Oh, two-tenths of a mile.

**A.** Yes, sir.

**Q.** So the shaded area here (indicating) is of no distance significance or signal-strength significance. It's really only directional; right?

**A.** It's directional. And I can move the -- I can change the size of the wedges of how long those arms go out, which also

~~WILDE - CROSS~~

1 controls how far the shaded area goes out based upon where the  
2 next tower is located in that direction, so sometimes it can be  
3 bigger, then smaller.

4 When I'm overlaying these sometimes, I have to make them a  
5 little bigger than I normally would just to be able to show the  
6 different colors.

7 **Q.** But one thing we know precisely would be the cell tower  
8 location; right?

9 **A.** Absolutely.

10 **Q.** You have latitude and longitude coordinates for that, so  
11 you can plot that precisely.

12 **A.** It's -- it's usually pretty close. It's not always --  
13 when -- when the value to -- when the latitude and longitude is  
14 recorded by the engineers, they're not like hanging off of the  
15 top of the tower with a handheld GPS in their hands. Sometimes  
16 they might be in a parking lot beside the building or in the  
17 parking lot in front of where the tower is located.

18 So it's close. Most of the time it's very close, but  
19 there are some times where it's slightly off.

20 **Q.** And generally, the tower has -- covers 360 degrees around  
21 the tower broken into three sectors of 120 degrees each;  
22 correct?

23 **A.** Yes, sir.

24 **Q.** And what your exhibit at Page 11 shows is the direction of  
25 each of those three 120-degree arcs for each of those phones;

~~WILDE - CROSS~~

1 correct?

2 A. Yes.

3 Q. So precisely or fairly precisely, we know where the tower  
4 is located.

5 A. Yes.

6 Q. But you can't be anywhere near that precise about where a  
7 phone is located in proximity to that tower, can you?

8 A. No, I can't. Most of the time the phone is going to use  
9 the tower that's closest to each one of those sectors or  
10 designed to cover a specific area. And most of the time the  
11 phone is going to be close to -- it's going to use the tower  
12 that it's closest to.

13 Q. And you were asked if the records that you reviewed are  
14 consistent with being in the location of 4700 Haddon Avenue;  
15 right?

16 A. Yes.

17 Q. So "consistent with" in that sense doesn't mean precisely?

18 A. Correct. It means in that general area, is what that  
19 means.

20 Q. It means it could be?

21 A. It means it's -- the records show that they used that  
22 tower and sector, and I know that tower and sector is going to  
23 have a specific coverage area, which is going to, in my  
24 opinion, provide coverage to the Haddon Avenue address.

25 Q. But that tower and sector also provides coverage to the

~~WILDE - CROSS~~

1 Liberty Heights and Gwynn Oak area.

2 **A.** Absolutely.

3 **Q.** And it also provides coverage to the location of the  
4 candlelight vigil that was described in your testimony earlier.

5 **MS. PERRY:** Objection.

6 **THE COURT:** Well, he doesn't know about the  
7 candlelight vigil.

8 **BY MR. TRAINOR:**

9 **Q.** So it would be consistent with the records that any phone  
10 at the time shown on Page 11 of CSLI-2 was located at  
11 Liberty Heights and Gwynn Oak; correct?

12 **A.** I'm sorry. I don't understand your question, sir.

13 **Q.** Well, you testified that the records are consistent with  
14 being located -- the phones being in the area of Haddon Avenue.

15 The records are also consistent with being in the area of  
16 Liberty Heights and Gwynn Oak; correct? At the same time  
17 period.

18 **A.** I'm sorry. I'm just looking for Gwynn Oak Avenue on my  
19 map, sir.

20 **Q.** Yes, sir.

21 **A.** Yes, sir. They're all in the same general area.

22 **Q.** And there's no way to tell from your records or from your  
23 expertise if the three phones were together at any time during  
24 this time frame of 8:53 to 10:30 p.m. on April 28th, 2016, is  
25 there?

~~WILDE - CROSS~~

1     **A.**    No, sir.

2           **MR. TRAINOR:**  No further questions.

3           Thank you.

4           **THE COURT:**  Thank you.

5           Anyone else?

6           (No response.)

7           **THE COURT:**  Any redirect?

8           **MS. PERRY:**  No, Your Honor.

9           Thank you.

10          **THE COURT:**  Okay.  Thank you, sir.

11          **THE WITNESS:**  Thank you, ma'am.

12          **THE COURT:**  You are excused.

13          (Witness excused.)

14          **THE COURT:**  All right.  Unless you have an extremely  
15 short witness, I'm thinking -- all right.  Rather than just get  
16 a couple of minutes into the next witness, I am going to excuse  
17 the jury.  We'll start up again at 2 o'clock.

18          Counsel can stick around, and we'll talk for a minute.

19          (Jury left the courtroom at 12:52 p.m.)

20          **THE COURT:**  So first thing, just, again, back to the  
21 satellite tracking records, if there's any additional  
22 information, not necessarily this minute, but if you want to  
23 look at it over lunch, about exactly -- I don't even see a date  
24 right now on this cover -- when this letter to  
25 Officer Winchester came in, what exactly was attached to it,

1 what the reference is to the CD, that would be helpful.

2 Again, I haven't had a chance to go back and look at  
3 your motion to exclude, so maybe that covers some of this.

4 **MS. PERRY:** I don't know that the motion does, because  
5 we received this after that.

6 The letter itself we received via e-mail.

7 The records were received on a disc. They included  
8 the letter, these records (indicating), and an additional sort  
9 of mapping -- they provided sort of the GPS points as they  
10 appear in a sort of mapping program.

11 The program itself is a little bit difficult,  
12 unwieldy. It sort of moves really quickly and is difficult to  
13 see. So those are the three things contained on the disc. The  
14 records that are contained here, the certification letter and  
15 this audiovisual -- audio -- I mean visual compilation, and I  
16 can certainly provide a copy to Your Honor of the full contents  
17 of that CD.

18 The letter we received about a day and a half before  
19 the actual records were received because they were mailed on  
20 the disc.

21 But I believe that we received the full copy of the  
22 records from them sometime either on or after February 26th, so  
23 just recently, and they were disclosed in discovery on  
24 March 1st.

25 **THE COURT:** Oh, yes. And I think you disclosed them.

1 I'm just trying -- maybe you've still got a copy of the e-mail.

2 **MS. PERRY:** Yes, certainly.

3 **THE COURT:** Okay. And just to go back to defense  
4 counsel for a moment, the cross-examination of  
5 Detective Kazmarek, when the question was asked about the  
6 records from Mr. Bailey's electronic monitoring not supporting  
7 his location being at Collins Avenue at the time of the  
8 shooting, which of these records were you relying on for that  
9 question or was Ms. Whalen relying on for that question?

10 **MR. ENZINNA:** Well, Your Honor, I think none of the  
11 records showed him being at Collins Avenue. Neither these  
12 records nor the other records.

13 **THE COURT:** Okay. These records or the -- now I'm --  
14 I don't want to get completely confused. Is there some other  
15 set of records?

16 **MR. ENZINNA:** No. My understanding is there are two  
17 sets of records. One is the Enrollee Track Report, which is  
18 the first stuff we got.

19 **THE COURT:** Okay. Let me back up because I have --  
20 what I have in front of me is the letter, undated, to  
21 Officer Winchester; three pages attached of very tiny numbers,  
22 which I am told are the raw GPS data; another document, which  
23 appears to be 13 pages from satellite tracking, which is called  
24 an Enrollee Event Report.

25 Those are the documents that I have in front of me



1 now.

2 **MR. ENZINNA:** Right.

3 **THE COURT:** Is there another set of documents that  
4 Ms. Whalen was relying on for her question?

5 **MR. ENZINNA:** No.

6 **THE COURT:** Okay.

7 **MS. WHALEN:** That's right.

8 **MR. ENZINNA:** Those are the two -- the second document  
9 you referred to, the Enrollee Track Report, that was the  
10 exhibit to the Government's motion to exclude these records.  
11 Those were the records that they --

12 **THE COURT:** Okay. But let me just concentrate on one  
13 thing at a time.

14 Ms. Whalen, what did you have in mind when you asked  
15 that question? Which records?

16 **MS. WHALEN:** There are no records of his tracking  
17 device that support that he had been on Collins Avenue, and I  
18 tried to make that statement broad. And it was in terms of his  
19 ability to investigate and the steps that he took in  
20 investigating as opposed to bringing in records.

21 So that -- so what I was attempting to do was ask, in  
22 general, there were no records that support it.

23 **THE COURT:** But you referred to his electronic  
24 monitoring records. That was the clear import of the question.  
25 And you were suggesting that the records of his electronic

1 monitoring did not support that he was at Collins Avenue at the  
2 time of the shooting.

3 **MS. WHALEN:** Right. And these are all the electronic  
4 monitoring records that I'm aware of.

5 **THE COURT:** Okay.

6 **MS. HOFFMAN:** And, Your Honor, if I could just,  
7 there's one factual point that I wanted to add, which is that  
8 Detective Kazmarek has never seen the raw GPS data. So the  
9 only thing that Detective Kazmarek has ever seen is the  
10 unreliable Enrollee Event Report or Enrollee Track Address  
11 Reports that were in his file.

12 **THE COURT:** Okay.

13 **MR. ENZINNA:** Your Honor, I think the whole -- the  
14 issue about Detective Kazmarek is a little bit of a red herring  
15 here, because the question is -- even if we assume that these  
16 records should come in in order to fix whatever happened on  
17 Detective Kazmarek's cross-examination, the question is: Is  
18 Agent Wilde the correct person to bring them in through?

19 And he's not. He has no personal knowledge of them.  
20 No expertise. He can't testify about these records.

21 And I would also point out, Your Honor, that if you  
22 look at this certification letter, what it says -- and  
23 Your Honor pointed out that she seems to be talking about two  
24 different sets of records. In the second paragraph she says  
25 [reading]: I have reviewed -- analyzed and reviewed the

1 attached data records. These records are a true and correct  
2 copy of records which were made at or near the time of  
3 occurrence. They're kept in the ordinary course of business.

4 She does not say in that paragraph that those records  
5 are accurate. She says they're an accurate copy of records.

6 And then in the third paragraph she's talking about a  
7 separate set of documents, which is unclear to me whether she  
8 is. But she says [reading]: I certify that the data results  
9 recorded on the CD are accurate.

10 So she's saying that whatever she's talking about in  
11 the third paragraph is accurate.

12 So I think part of the problem is that if the  
13 Government wants to use these records, they need to bring in  
14 somebody who knows what they say and who can testify about  
15 them.

16 **THE COURT:** I understand.

17 The Enrollee Event Report?

18 **MS. HOFFMAN:** So my understanding, Your Honor, is that  
19 the Enrollee Event and Enrollee Track Address Reports are the  
20 things that are unreliable that she said she could not certify.

21 What she's saying here, she refers to the  
22 Enrollee Track Subpoena Report, which I think is a different  
23 thing. And that's what she's certifying.

24 **THE COURT:** I'm sorry. She refers to what?

25 **MS. HOFFMAN:** So the very last sentence of the letter

1 to Officer Winchester says [reading]: The aforementioned  
2 information is provided in the attached  
3 Enrollee Track Subpoena Report.

4 I believe that is different. She's referring to the  
5 attached records, the raw GPS data. And she is certifying that  
6 raw GPS data as accurate. And she refers to the VeriTracks --  
7 VeriTrack software system as reported by the BLU+ system.

8 My understanding is that that is the raw GPS data that  
9 she is certifying. And she's called it Enrollee Track  
10 Subpoena Report, not to be confused with the  
11 Enrollee Event Report or Enrollee Track Address Report.

12 **THE COURT:** But I thought the Enrollee Event Report  
13 was what was on the CD and that there was not a separate  
14 document called the Enrollee Track Subpoena Report.

15 Okay. I'm going to have to -- I'll look at your  
16 motion again. But I'm going to need more clarity about what  
17 this letter means and what documents, whether on CD or  
18 otherwise, she was certifying.

19 **MS. HOFFMAN:** Sure.

20 **THE COURT:** Okay. I will see you all for a different  
21 witness, I assume, at 2 o'clock.

22 The gallery is excused.

23 All right. We'll recess until 2:00.

24 (Luncheon recess taken.)

25 **THE COURT:** All right. Do we have an issue before the

1 next witness?

2 **MS. PERRY:** I just wanted to address the records that  
3 were contained on the CD with respect to the GPS.

4 **THE COURT:** Okay.

5 **MS. PERRY:** So I just wanted to clarify Your Honor's  
6 question. What we received from the company was a CD  
7 (indicating), a disc (indicating), and the letter, which you've  
8 already seen. It's just another copy of the same letter.

9 **THE COURT:** Okay.

10 **MS. PERRY:** On the disc -- this is a screenshot of  
11 what was on the disc -- are three files --

12 **THE COURT:** Okay. Three files.

13 **MS. PERRY:** -- the letter, a PDF document entitled  
14 Enrollee Track Subpoena Report, and a video.

15 The Enrollee Track Subpoena Report, PDF file -- I've  
16 done another screenshot -- is the raw GPS data that was  
17 attached to the certification that Your Honor has seen.

18 **THE COURT:** Ah.

19 **MS. PERRY:** So it is simply titled by STOP  
20 Enrollee Track Subpoena Report. It's the raw data.

21 **THE COURT:** Okay. Do you have a copy of that  
22 screenshot?

23 **MS. PERRY:** I am happy to provide all of this to  
24 Your Honor.

25 I also printed out the original e-mail that I

1 received. All that was attached to this e-mail was the letter.  
2 And it said that the other documents would be overnight-mailed.  
3 So they were not provided separately. They were all provided  
4 on the disc.

5 **THE COURT:** Okay. So you've got the e-mail and the  
6 letter. And then overnighted you've got the disc. And it had  
7 what you're going to show me on the screenshot, which is the --

8 **MS. PERRY:** Correct. It contained a physical copy of  
9 the letter. A PDF'ed copy of the letter was on the disc, as  
10 well as the raw data, which Your Honor has been provided. And  
11 I do have a copy of the e-mail, so I'll provide those to you.

12 **THE COURT:** All right. So did the disc have the  
13 document called Enrollee Event Report?

14 **MS. PERRY:** No.

15 **THE COURT:** Ah.

16 **MS. PERRY:** (Hanging.)

17 **THE COURT:** Thank you.

18 **MS. PERRY:** The Enrollee Event Report was never  
19 provided to us from STOP. It was never certified. It was only  
20 provided from ASAP.

21 So I think that that answers at least Your Honor's  
22 questions as to what was on the disc.

23 **THE COURT:** Thank you.

24 Okay. I'll get the jury and then whoever the next  
25 witness is.

1           **MR. ENZINNA:** Your Honor, one thing.

2           You asked about --

3           **THE COURT:** Louder, please.

4           **MR. ENZINNA:** You raised the question about Mr. Bailey  
5 and waiving my presence. We're prepared to do that anytime  
6 you'd like.

7           **THE COURT:** Okay. Let's do it at the afternoon break.

8           **MR. ENZINNA:** Fine. Thank you.

9           **THE COURT:** Thank you.

10          Go ahead.

11          (Jury entered the courtroom at 2:12 p.m.)

12          **THE COURT:** All right. The Government has another  
13 witness to call?

14          **MS. HOFFMAN:** The Government calls Daniel Lamont.

15          **THE CLERK:** Please raise your right hand.

16          DANIEL LAMONT, GOVERNMENT'S WITNESS, SWORN.

17          **THE CLERK:** Please be seated.

18          **THE WITNESS:** Thank you.

19          **THE CLERK:** Please speak directly into the microphone.  
20 State and spell your full name for the record, please.

21          **THE WITNESS:** Daniel Lamont, D-A-N-I-E-L, Lamont,  
22 L-A-M-O-N-T.

23          **THE CLERK:** Thank you.

~~LAMONT - DIRECT ON VOIR DIRE~~

DIRECT EXAMINATION ON VOIR DIRE

**BY MS. HOFFMAN:**

**Q.** Good afternoon, Mr. Lamont.

**A.** Good afternoon.

**Q.** Where do you work?

**A.** I work for the Crime Lab for the Baltimore Police Department.

**Q.** And what part of the Crime Lab do you work for?

**A.** I'm in the firearms analysis unit.

**Q.** Can you tell the ladies and gentlemen of the jury a little bit about what your job entails.

**A.** I examine any evidence that's submitted to the crime lab that's firearms-related. That can be anything from live ammunition to test-firing weapons for operability purposes to doing microscopic work where we're comparing fired bullets and cartridge cases attempting to determine common source.

It really depends on the type of case I'm working.

**Q.** How long have you been employed with BPD's firearms analysis unit?

**A.** I've been with BPD almost 14 years. I've been with the Firearms Unit about 12 of those.

**Q.** Do you have specialized training that assists you in the performance of your duties.

**A.** Yes.

**Q.** Can you describe your training.



~~LAMONT - DIRECT ON VOIR DIRE~~

1   **A.**   I was brought over to firearms from crime scene. I was a  
2   crime scene investigator where I came over as a firearms  
3   examiner trainee where I spent basically the next three years  
4   training to be a full-level examiner. That training included  
5   working with full-level examiners on casework, starting with  
6   operability testing, basically just test-firing as many  
7   different weapons that come through the door just to get to  
8   know all the different guns we could possibly handle.

9       The last year, year and a half or so is microscopic work,  
10   doing comparisons of fired bullets and fired cartridge cases,  
11   attempting to determine if they were fired with the same  
12   firearm or if they're not fired with the same firearm.

13       Included in that training was several trainings with  
14   outside agencies where we did mock casework as well as real  
15   casework that crossed jurisdictions. That's with  
16   Baltimore County, Maryland State Police, D.C. Metro, FBI, ATF,  
17   just to name a few, where cases actually crossed jurisdictions  
18   and we had to do actual cases with other jurisdictions.

19       One of the trainings I did was a week-long tour in the  
20   New England area where I toured different firearms  
21   manufacturers -- Smith & Wesson, Ruger, Charter Arms, Wilson  
22   barrel company -- basically, going into their facility,  
23   watching them make firearms from what would start as a solid  
24   block of steel to the finished product of the firearm that they  
25   were making, in order to see the different machining processes

~~LAMONT - DIRECT ON VOIR DIRE~~

1 that can take place that can possibly leave microscopic marks  
2 on fired bullets and cartridge cases that I'm then looking at  
3 under the microscope, to understand why those marks can be  
4 there and why they're -- they're unique to a particular  
5 firearm.

6 I've also done roughly, I want to say, 10 to 12 firearms  
7 courses, armorer's courses where different firearms  
8 manufacturers bring the guns that they make to the course.

9 They then teach us how to completely disassemble that gun,  
10 break it down to its smallest component, repair parts, replace  
11 parts, put the gun back together in working order for  
12 test-firing purposes.

13 In order to be able to do that, if we do get a gun in  
14 that's damaged that we need to fire, I then have the knowledge  
15 of many different particular firearms to be able to break them  
16 down and fix them.

17 Beyond that, it's continued education as it's available.

18 **Q.** Are you a member of any professional organizations?

19 **A.** Yes.

20 **Q.** Can you tell us which one or which ones.

21 **A.** I'm a member of AFTE, which is the Association of Firearms  
22 and Tool Mark Examiners.

23 **Q.** How many examinations of firearms and ammunition  
24 components would you say you've conducted?

25 **A.** To give an exact number, I have no idea. It's in the

~~LAMONT - DIRECT ON VOIR DIRE~~

1 thousands.

2 Q. Do you undergo continuing training?

3 A. Yes.

4 Q. Can you tell us about your continuing training.

5 A. We do trainings as they arise, mostly those armorer's  
6 courses and AFTE conventions.

7 We also do proficiency testing throughout the year,  
8 depending on the year. That decides how many and what  
9 different kinds.

10 Q. And that was going to be my next question about  
11 proficiency testing. Do you undergo proficiency testing every  
12 year?

13 A. Yes.

14 In any given year, we do a minimum of two proficiency  
15 tests. There's a possibility of possibly doing four in a given  
16 year.

17 Q. And what's your record with respect to the proficiency  
18 testing?

19 A. I've received a satisfactory on each of them.

20 Q. Is it pass/fail? Is that the --

21 A. Yes. It's satisfactory/unsatisfactory.

22 Q. Is the BPD firearms examination unit accredited?

23 A. It is.

24 Q. Who is it accredited by?

25 A. It's a company whose initials are ANAB, and I'm not sure

~~LAMONT - DIRECT ON VOIR DIRE~~

1 what that stands for.

2 **Q.** Have you ever been qualified to testify as an expert in  
3 the field of firearms identification, operability, and  
4 examination?

5 **A.** Yes.

6 **Q.** Approximately how many times?

7 **A.** I'm at number 298 right now.

8 **Q.** And in what courts have you been qualified as an expert in  
9 those fields?

10 **A.** Juvenile, district, and Circuit Court in Baltimore City,  
11 Circuit Court in Baltimore County, and federal court in  
12 Baltimore also.

13 **MS. HOFFMAN:** Your Honor, at this point I'd like to  
14 offer Daniel Lamont as an expert in the field of firearms  
15 identification, operability, and examination.

16 **THE COURT:** All right. Any questions, objections, or  
17 voir dire not previously raised?

18 **MS. WHALEN:** None for Mr. Bailey.

19 **THE COURT:** Okay. Thank you.

20 Based on the witness's training, education, and  
21 experience, I'll find him qualified to give opinion testimony  
22 in the field of firearms operability, examination, and  
23 identification.

24 You may proceed.  
25

~~LAMONT - DIRECT~~

## DIRECT EXAMINATION

**BY MS. HOFFMAN:**

**Q.** Mr. Lamont, you mentioned that you conduct comparisons or microscopic comparisons of firearms and ammunition components.

Can you start by explaining how a round of ammunition is structured.

**A.** Sure. So what most people consider a bullet usually is unfired ammunition. It's a cartridge. That cartridge is made up of four components. It's the bullet, which is the projectile; the cartridge casing; the gunpowder inside of it; and then the primer.

**Q.** And can you explain how a cartridge or a round of ammunition is fired from a semi-automatic firearm.

**A.** In a semi-auto, there's two main components of that. It's the actual gun and then the magazine. The magazine is a separate piece that goes with the gun. That's where the live ammunition is loaded into.

So the cartridge is loaded into the magazine. The magazine is then placed into the grip of the gun. That is spring-loaded, the magazine, so it will hold as many cartridges as it's designed to.

That magazine is then put in the grip of the gun.

To charge that gun, make it fire the first time, you must physically pull back what's called the slide of the gun. It's the top part of the gun. You pull that back and you release

~~LAMONT - DIRECT~~

1 it. It loads the first cartridge into the chamber of the gun  
2 from the top of the magazine. That gun then is ready to fire.

3 If you pull the trigger, the gun fires. The bullet goes  
4 down the barrel. The cartridge case is pushed backwards  
5 against what's known as the breech of the gun. That process of  
6 pushing that cartridge case backwards, it moves the slide back  
7 again like I did physically the first time. It ejects the  
8 fired cartridge case that was already fired. As the slide goes  
9 forward, it then pulls the next live cartridge into the  
10 chamber, and that whole process will happen again when you pull  
11 the trigger.

12 **Q.** And so when the casings are ejected from the gun, do they  
13 land somewhere in the vicinity of where the gun is fired?

14 **A.** For the most part, they will be ejected from the gun. All  
15 guns are different on how far they throw them, where they throw  
16 'em, in what direction, things of that nature. Really depends  
17 on the gun. It depends on how it's fired, things like that.

18 **Q.** How do you go about conducting your microscopic  
19 comparisons of firearm and ammunition components?

20 **A.** So what we'll look at is we can compare bullets to  
21 bullets, and we can compare cartridge cases to cartridge cases.

22 So the way we do that is we're looking for individual  
23 microscopic markings that will be left on either the bullets or  
24 the cartridge cases, depending on what it is I'm looking at.  
25 That would repeat from one cartridge case to the next

~~LAMONT - DIRECT~~

1 cartridge case from the marks of the gun when it was being  
2 manufactured.

3 What we use is a comparison microscope, which is a  
4 microscope that has two different stages that we can look at  
5 two different pieces of evidence at the exact same time under  
6 the oculars.

7 We can then move those, each piece of evidence together,  
8 looking for marks that are on one that are a mirror image of  
9 marks that are on the other one. Those individual marks are  
10 what we're looking to match up to say that they either match or  
11 they don't match or possibly we can't tell.

12 The same thing is done with bullets. With markings that  
13 are left when the bullet goes down the barrel of the gun before  
14 it exits the gun, there can be individual marks from the barrel  
15 of that gun that are imprinted onto the sides of the bullets  
16 that I'm then looking at under the microscope comparing two  
17 bullets at a time looking for those imperfections and those  
18 marks that mirror each other.

19 **Q.** And what are the different types of markings that you're  
20 looking for on cartridge cases versus bullets?

21 **A.** Cartridge cases, we're focused on firing-pin impressions  
22 as well as breech face marks.

23 On bullets, we're looking at striations on the bullets  
24 from it going down the barrel. They're called land-and-groove  
25 impressions. Depending on which part of the bullet hits the

~~LAMONT - DIRECT~~

1 interior of the barrel, there can be striations that are left  
2 from imperfections inside of that barrel. They can be  
3 imprinted onto the side of the bullet.

4 **Q.** Can you explain the difference between class  
5 characteristics and individual characteristics.

6 **A.** Class characteristics fall under kind of a large genre.  
7 So an example of a -- class characteristics in talking about  
8 firearms, caliber of a firearm would be a class characteristic.  
9 If you have a 9-millimeter, there are thousands of guns that  
10 are manufactured in the caliber 9-millimeter.

11 In individual characteristics, what we're looking at are  
12 the markings that would be then left on that cartridge case  
13 from it being fired from a particular weapon, the markings from  
14 the firing-pin impression, from the breech face marks that are  
15 going to be unique to a particular firearm.

16 **Q.** Now, going back to class characteristics, you mentioned  
17 caliber. Are there any other examples of class  
18 characteristics?

19 **A.** There are, including once a firearm -- or cartridge is  
20 fired, there are breech face marks. There are firing-pin  
21 impressions that can all go to a certain class of gun.

22 You could have a hemispherical firing-pin impression,  
23 which doesn't narrow it down to a particular gun just looking  
24 at that; but if I have another cartridge case that has a  
25 different-shaped firing-pin impression, that would be a



~~LAMONT - DIRECT~~

1 different class. I know they're different.

2 Q. So to make sure I'm understanding correctly, if you have  
3 two pieces of ammunition that have the same class  
4 characteristics, can you tell whether or not they're from the  
5 same gun?

6 A. No, not without using the comparison microscope and  
7 looking at the individual marks.

8 Q. And if you have two ammunition components that have  
9 different class characteristics, can you tell whether or not  
10 they're from the same gun? Or what can you conclude?

11 A. If I have two different pieces of evidence that have  
12 different class characteristics, I can conclude that they're  
13 going to be fired from different firearms.

14 Q. And you've talked about this a little bit, but can you  
15 tell us, what are the different conclusions that you can draw  
16 based on your microscopic comparison examinations?

17 A. We have three main conclusions. We will either call  
18 something saying it's a match.

19 We will call something saying they do not match; they were  
20 fired with a different firearm.

21 Or we have inconclusive results, meaning -- and that can  
22 happen from different reasons. There may not be enough marks  
23 on there for us to say anything. The evidence could be  
24 damaged, leaving no microscopic marks left because the surfaces  
25 of the bullet or cartridge case have been damaged, so they're

~~LAMONT - DIRECT~~

1 our three conclusions.

2 **Q.** When firearms evidence comes to you for examination, do  
3 you know where it comes from?

4 **A.** The only information I'm giving is what is on the  
5 paperwork that's submitted with it. That's filled out by  
6 whoever submitted the evidence, so I only know what's been  
7 written down on that.

8 **Q.** And when you receive firearms evidence for your  
9 examination, how do you keep it straight?

10 **A.** When I open up evidence, the way we keep each piece of  
11 evidence straight is we actually mark some information on each  
12 piece of evidence. Using a metal-pointed scribing pen, we will  
13 actually put my initials, the property number it was submitted  
14 under. And then each piece of evidence also gets designated an  
15 ID number, what we call a Q number. So each one will get  
16 whatever Q number it's going to be actually scribed onto that  
17 piece of evidence so that I can keep each piece straight.

18 **Q.** And what does Q stand for?

19 **A.** Q stands for question. So in cartridge cases, it's Q-1,  
20 Q-2, Q-3. For bullets, it's Q-1-B for bullet, Q-2-B, Q-3-B.

21 We also have other designations, depending on what the  
22 piece of evidence is. If it's a small fragment, it might be MF  
23 for metal fragment, LF for lead fragment. Just depends on what  
24 we designate each piece of evidence.

25 **Q.** And can you explain what a CC number is.

~~LAMONT - DIRECT~~

1 **A.** CC number is a central complaint number. When an officer  
2 gets called to a scene, once they decide that there is an  
3 investigation to take place, they will call our dispatch and  
4 request a central complaint number. That central complaint  
5 number is then unique to that crime that's going to be  
6 investigated. So any evidence that's collected, any reports  
7 that are written for that particular crime will all be written  
8 under that central complaint number.

9 **Q.** And is the CC number what you use to keep evidence from  
10 different scenes distinguished from one another?

11 **A.** Yes.

12 **Q.** Do you have a co-examiner with you when you make your  
13 comparisons?

14 **A.** When making comparison, no. I do the entire case myself,  
15 looking at it on the microscope, marking my evidence, all of  
16 those steps.

17 A co-examiner comes into play -- once I have done my  
18 comparison and got to my conclusions, then a co-examiner will  
19 actually, for lack of a better term, they'll redo the case  
20 themselves to verify my information.

21 **Q.** I'm going to approach and show you Government's  
22 Exhibit F-21, which has come into evidence as casings and  
23 projectiles from the scene of the August 10th, 2016 murder of  
24 Ricardo Johnson in the 2200 block of Kloman Avenue. And this  
25 is CC Number 9-160804118.

~~LAMONT - DIRECT~~

1 And, actually, I will make one trip and also show you  
2 Government's Exhibit F-22, which has come into evidence as  
3 projectiles from the autopsy of Ricardo Johnson under the same  
4 CC number.

5 **A.** Okay.

6 **Q.** (Hanging.)

7 Did there come a time when you were asked to examine this  
8 evidence?

9 **A.** Yes.

10 **Q.** And did you prepare a report to document your findings?

11 **A.** I did.

12 **Q.** Did a co-examiner also review the same evidence?

13 **A.** They did, yes.

14 **Q.** And is the co-examiner's name also on your report?

15 **A.** Yes, it is.

16 **Q.** Can you tell us, first of all, with respect to the  
17 evidence that you have in front of you, what caliber were the  
18 cartridge casings?

19 **THE WITNESS:** Your Honor, may I look at my notes to  
20 refresh my memory?

21 **THE COURT:** Certainly.

22 **THE WITNESS:** Thank you.

23 **BY MS. HOFFMAN:**

24 **Q.** And, for the record, is what you're looking at a copy of  
25 the report that you used to document your findings?

~~LAMONT - DIRECT~~

1     **A.**    It is, yes.

2           And I'm sorry.  You asked about the cartridge cases?

3     **Q.**    Yeah.  Could you start with telling us the caliber of the  
4     cartridge casings in Government's Exhibit F-21 and F-22.

5     **A.**    The caliber of those were 9-millimeter Luger.

6     **Q.**    And sticking, first, with the cartridge casings, what  
7     conclusions were you able to draw about the cartridge casings?

8     **A.**    I was able to determine, through microscopic comparison,  
9     that there were two sets of cartridge cases that go to two  
10    different guns.  One group matches each other.  And then the  
11    other set of cartridge cases, they match each other.

12    **Q.**    And how were you able to make that determination that the  
13    cartridge casings came from two different guns?

14    **A.**    In looking at 'em under the comparison microscope, I was  
15    able to determine that one group of them had matching  
16    breech face and firing-pin impressions.

17           And then the second group had matching breech face and  
18    firing-pin impressions to themselves, which led me to -- they  
19    were two different guns that matched each other.

20    **Q.**    And now I want to ask you about the bullets, the  
21    projectiles that you examined.

22           What conclusions were you able to draw about the bullets?

23    **A.**    Regarding the bullets, I was again able to determine that  
24    there were three sets of bullets; so one group matching a  
25    firearm, a second group matching another firearm, and then

~~LAMONT - DIRECT~~

1 there was a third bullet that was from an additional firearm.

2 I was also -- there were smaller fragments that had no  
3 evidentiary value, little lead fragments and bullet fragments  
4 that I wasn't able to say really anything about at all 'cause  
5 there was no markings on them.

6 Q. And you mentioned a third bullet that came from a third  
7 firearm. Was that bullet labeled in any particular way?

8 A. It was. When I received the evidence to the Firearms  
9 Unit, the third bullet, which was marked by me Q-3-B, was  
10 labeled from the Office of the Chief Medical Examiner as an old  
11 bullet.

12 Q. So putting aside that old bullet and asking you only about  
13 the other bullets that you examined, how were you able to  
14 determine that they came from two different firearms?

15 A. Again, using the comparison microscope, I was able to  
16 compare each of those bullets to each other and determine that  
17 the individual characteristics and striations from the interior  
18 of the barrel of different firearms was used to mark one set of  
19 bullets. And then the other set of bullets came from a  
20 separate firearm that I was able to match together.

21 Q. And when you made -- when you conducted this comparison  
22 examination, did you have a firearm to compare them to?

23 A. No, not at the time.

24 Q. So boiling it down, does that mean that you were able to  
25 conclude that the casings and projectiles from the August 10th,

~~LAMONT - DIRECT~~

1 2016 murder of Ricardo Johnson were fired with -- each of them  
2 was fired with at least two different firearms?

3 **A.** Correct. Yes.

4 **Q.** And I believe you testified earlier that you compare  
5 cartridge casings to cartridge casings and bullets to bullets.

6 Can you determine whether a cartridge casing was fired  
7 from the same gun as a bullet?

8 **A.** To be able to do that, I need the gun because I'm looking  
9 at different parts of the gun. So to determine if one single  
10 bullet and one single cartridge case were fired from one  
11 particular gun, I need the gun to be able to do that  
12 comparison.

13 **Q.** So when you say that the casings were fired from at least  
14 two different guns and the bullets were fired from at least two  
15 different guns, could it be that those are the same two guns?

16 **A.** It's possible, yes.

17 **Q.** And could it be that they're different guns?

18 **A.** That's also possible.

19 **Q.** I'm going to approach now and show you Government's  
20 Exhibit F-23 and Government's Exhibit F-24 which have come into  
21 evidence as a Smith & Wesson firearm and a Taurus firearm  
22 recovered from the 2100 block of Tucker Lane on August 10th of  
23 2016, and this is under CC Number 8-160804353.

24 (Hanging.)

25 Were you asked to examine this evidence?

~~LAMONT - DIRECT~~

1   **A.**   In this case I was actually the co-examiner for the  
2   examination of this evidence.

3   **Q.**   And can you tell me, first of all, what caliber firearms  
4   they are.

5   **A.**   Both of them are caliber 9-millimeter Luger.

6   **Q.**   Were these firearms test-fired when they came to your  
7   laboratory?

8   **A.**   Yes, they were.

9   **Q.**   And how do you conduct a test-fire?

10   **A.**   We have two ranges actually right on the ninth floor of  
11   headquarters building where we fire live ammunition from any  
12   gun that's submitted.

13       So in this case we would take them into the range, and we  
14   would test-fire live ammunition to test for operability  
15   purposes.

16   **Q.**   And what was the results of the test-fire of the firearms?

17   **A.**   Both of them were operable and test-fired as they were  
18   designed to.

19   **Q.**   Did there come a time when you were asked to conduct a  
20   comparison between Government's Exhibits F-21 and F-22, the  
21   casings and projectiles from the August 10th, 2016 murder of  
22   Ricardo Johnson and the test-fired casings and bullets from  
23   Government's Exhibit F-23 and F-24, the two  
24   9-millimeter-caliber firearms recovered from the 2100 block of  
25   Tucker Lane?



~~LAMONT - DIRECT~~

1   **A.**   A comparison was done between them based on the  
2   possibility of there being a match between them from our IBIS  
3   system.

4   **Q.**   And can you describe just generally what the IBIS system  
5   is.

6   **A.**   The IBIS system is a computer system that's used in our  
7   unit. Every cartridge case from a semi-automatic pistol,  
8   whether it be a gun that we test-fire or evidence from a crime  
9   scene, gets put into the IBIS system.

10       What it does is it takes a digital image of the markings  
11   on the firing pin and the breech face of the cartridge case,  
12   the markings I'm actually looking at under the microscope for  
13   comparison purposes.

14       It then searches the database on IBIS, looking for other  
15   cartridge cases that may have images similar to them.

16       We look through the results of that. And if there is an  
17   image that looks like it may be a match, we then will bring the  
18   evidence back up and actually do a physical microscopic  
19   comparison, comparing the -- in this case the evidence from the  
20   crime scene to the test fires from the weapons that we fired to  
21   see if they, in fact, are a match.

22   **Q.**   And so in this case, when you conducted your comparison  
23   examination, it was because of a potential match indicated by  
24   IBIS?

25   **A.**   Yes.

~~LAMONT - DIRECT~~

1 Q. It was not -- does that mean it did not come from a  
2 request from a law enforcement officer?

3 A. Correct. It did not.

4 Q. And I want to ask you, first, about the Taurus  
5 9-millimeter firearm that is Government's Exhibit F-24.

6 What conclusions were you able to draw about the Taurus  
7 9-millimeter firearm?

8 A. In regards to the comparison?

9 Q. With respect to the comparison, yes.

10 A. So I was able to determine that one of the sets of  
11 cartridge cases and one of the sets of bullets from the  
12 original evidence that we spoke about was fired with the  
13 Taurus PT111 G2 pistol.

14 Q. And just for the record, would you mind reading the serial  
15 number of that Taurus.

16 A. Sure. I just want to verify it on my report. It's a  
17 little easier to read off the report.

18 The serial number is TJN73204.

19 Q. And you said you were able to conclude that one set of  
20 cartridge casings and one set of bullets came from that Taurus  
21 firearm.

22 How were you able to make that conclusion?

23 A. By doing the microscopic comparison. So we would  
24 test-fire the weapon again, I would then use the bullets and  
25 the cartridge cases that I fired from the weapon that I know

~~LAMONT - DIRECT~~

1 came from a particular weapon. I will then compare the  
2 evidence that was submitted from the original crime scene to  
3 those bullets and cartridge cases to see if a group of them  
4 that I had already matched to each other now match to this  
5 particular weapon, which they did.

6 **Q.** And how were you able to determine that match? What  
7 markings were you looking at?

8 **A.** For the cartridge cases, again, I was looking at  
9 breech face and firing-pin impressions. And then for the  
10 bullets, I'm looking at striations that are left in the  
11 land-and-groove impressions from the bullet going down the  
12 barrel.

13 **Q.** And now I want to ask you about the Smith & Wesson  
14 9-millimeter firearm that is Government's Exhibit F-23. What  
15 conclusions were you able to draw about the -- about that  
16 firearm with respect to the comparison?

17 **A.** So in this one, for the Smith & Wesson, I was able to  
18 determine that the other set of 9-millimeter Luger  
19 cartridge cases and the other set of bullets that I had  
20 previously matched to each other were actually -- were, in  
21 fact, fired from this particular Smith & Wesson firearm.

22 **Q.** And, again, can you tell us how you drew that conclusion.  
23 What markings did you look at?

24 **A.** Again, looking at the breech face and firing-pin  
25 impressions of the cartridge case and the striations on the

~~LAMONT - DIRECT~~

1 land-and-groove impressions of this particular set of bullets  
2 and cartridge cases and comparing them to bullets and  
3 cartridge cases that I test-fired from the weapon itself.

4 **Q.** And so, again, boiling it down, does that mean that you  
5 determined that the casings and projectiles from the  
6 August 10th, 2016 murder of Ricardo Johnson,  
7 Government's Exhibits F-21 and F-22, were fired from  
8 Government's Exhibits F-23 and F-24, the two  
9 9-millimeter-caliber firearms recovered from the 2100 block of  
10 Tucker Lane on August 10th of 2016?

11 **A.** Yes.

12 **Q.** I want to shift gears, Mr. Lamont, and ask you about a  
13 different case.

14 Were you the co-examiner on a comparison between casings  
15 and a live round from the scene of the February 8th, 2015  
16 shooting at the BP gas station, CC Number 158B03133, and  
17 casings and live rounds from the scene of the February 12th,  
18 2015 murder of James Edwards, a/k/a Bangout, CC Number  
19 158B04442?

20 **A.** I believe so. I'm trying to find it again. I apologize.

21 Ah, there we go. Sorry about that.

22 Would you mind repeating the CC numbers.

23 **Q.** Sure. The February 8th, 2015 shooting at the BP gas  
24 station, CC Number 158B03133. And the James Edwards,  
25 a/k/a Bangout, murder, CC Number 158B04442.

~~LAMONT - DIRECT~~

1 A. Okay. Yes, I was the co-examiner for that.

2 Q. And who was the lead examiner?

3 A. James Wagster.

4 Q. And were you asked to compare the casings and live round  
5 from one scene -- I'm sorry, the casings and live rounds from  
6 one scene to the other?

7 A. Yes.

8 Q. And what conclusion did you draw in that case?

9 A. In that case we concluded that six cartridge cases from  
10 158B03133 and four cartridge cases from 158B04442 were fired  
11 with the same unknown firearm.

12 We were also able to determine that each of those cases  
13 had a live cartridge that had a firing-pin impression in them,  
14 meaning that the firing pin had struck the primer but had not  
15 set off the cartridge for whatever reason. We were able to  
16 determine that those firing-pin impressions also matched each  
17 other.

18 Q. And can you tell us -- we talked about class  
19 characteristics earlier. What was the class characteristic of  
20 the firing-pin impressions with respect to those  
21 cartridge casings? And, yes, with respect to the  
22 cartridge casings?

23 A. You said the firing pin? I'm sorry.

24 Q. The firing-pin impression.

25 A. It was a hemispherical-type firing-pin impression.

~~LAMONT - DIRECT~~

1 Q. Now, as part of your work in this case, were you asked to  
2 review the file for the Terrell Gale shooting on  
3 January 14th --

4 MS. WHALEN: Objection. Can we approach --

5 BY MS. HOFFMAN:

6 Q. -- of 2013?

7 MS. WHALEN: Can we approach, Your Honor?

8 THE COURT: Yes. Okay.

9 (Bench conference on the record:

10 MS. WHALEN: Judge, our expert notice about this  
11 expert was that he was going to testify about the  
12 Ricardo Johnson homicide.

13 THE COURT: I'm sorry?

14 MS. WHALEN: He was going to testify about the  
15 ballistics in the Ricardo Johnson. Without objection, the  
16 Government went into the ballistics on the James Edwards  
17 homicide.

18 Now they're going into something on Terrell Gale. I  
19 don't know exactly what they're going to testify to -- he's  
20 going to testify to because I've had no notice of this  
21 testimony, no information or no opinion from this expert, and  
22 so I would object to her going into any of it.

23 That's also the reason why we specifically ask for  
24 information about the witnesses and perhaps exhibits that are  
25 going to be used, so that we know. I do not have anything

1 about the Terrell Gale shooting in my file to cross-examine  
2 this witness on. I'm prejudiced by it.

3 **THE COURT:** All right. And the Terrell Gale shooting  
4 is --

5 **MS. HOFFMAN:** The Terrell Gale shooting is the  
6 shooting that William Banks, Trouble, admitted to committing.

7 During -- when Mr. Wagster was testifying, Ms. Whalen  
8 cross-examined him about the Terrell Gale shooting without --  
9 we have no notice, of course, that she was going to do that.

10 And what she asked was: Isn't it true that you -- she  
11 pointed out that there were .40-caliber casings recovered from  
12 both scenes and says, Isn't it true that you never examined --  
13 never examined the -- or compared the cartridge casings from  
14 the scene of the Terrell Gale shooting to the Bangout murder?

15 And I objected -- or, no. I'm sorry. I then on  
16 redirect attempted to ask Mr. Wagster for clarification, asking  
17 him about the IBIS or NIBIN system.

18 And Ms. Whalen objected. And then we then came up to  
19 the bench, and Your Honor sustained the objection and said I  
20 could not ask Mr. Wagster about the fact that they had not been  
21 an IBIS match.

22 Now, we have turned over the complete file for the  
23 Terrell Gale shooting and for these -- and for the Bangout  
24 murder and the February 8th, 2015 shooting.

25 And what those files show is that the class

1 characteristics for the two -- so the casings from the  
2 Terrell Gale shooting are with a completely different class  
3 characteristic than the casings from both the Bangout and the  
4 February 8th, 2015 shooting, which means that they could not  
5 possibly be a match.

6 So the casings from the Terrell Gale shooting were  
7 with an elliptical firing-pin impression. Whereas, the casings  
8 from the Bangout were with the hemispherical firing-pin  
9 impression as Mr. Wagster -- I'm sorry, as Mr. Lamont has just  
10 explained.

11 So I believe that when Ms. Whalen asked that question,  
12 it, again, was -- it put a misleading -- gave the jurors a  
13 misleading impression that it's possible that those casings  
14 could be a match when, in fact, it is definitively not  
15 possible. They could not possibly be a match.

16 We did notice Mr. Wagster and Mr. Lamont as experts in  
17 firearms examination and comparison. We have turned over the  
18 files for all of those shootings and murders. So Ms. Whalen  
19 had this evidence.

20 And all I'm attempting to do now is to have this  
21 expert clarify that it is not possible for the casings from the  
22 Terrell Gale scene to have been fired with the same firearm as  
23 the Bangout murder. I think it's an extremely important point  
24 to make, given what I expect will be a theme -- continue to be  
25 a theme of the defense case that Mr. Banks can't be trusted and



1 may have been the actual perpetrator.

2 **MS. WHALEN:** Judge, simply because a question comes up  
3 in cross-examination does not mean that the Government is not  
4 required to expand, if they will, either be stuck with the  
5 notification they gave on an expert or expand expert notice;  
6 and then we'd be here perhaps fighting over whether the  
7 expansion of an expert notice was greater or whether we had  
8 sufficient time.

9 What they're attempting to do now is plug in holes  
10 with an expert who the defense has had no indication at all he  
11 would testify about this particular murder. I don't even know  
12 whether he looked at the IBIS report that we're talking about  
13 or whether his signature is on the IBIS report, as we sit here  
14 today, because I do not have the Terrell Gale file here in the  
15 courtroom.

16 **THE COURT:** When did you tell Ms. Whalen that you were  
17 going to be asking this witness questions about the  
18 Terrell Gale shooting?

19 **MS. HOFFMAN:** I did not notify her that I would be  
20 asking this witness. I attempted to ask Mr. Wagster questions  
21 about it, and Ms. Whalen objected and Your Honor sustained it.

22 We need to have an opportunity to correct the  
23 misimpression that has been created.

24 Ms. Whalen did not tell me that she was going to be  
25 crossing Mr. Wagster about a completely different shooting

1 file. And what I'm attempting to do -- I have noticed both  
2 these witnesses as experts in firearms comparison and  
3 examination, and the files have been turned over years ago.

4 **THE COURT:** Okay. The problem at the moment is she  
5 had no idea this was about to happen and she doesn't have the  
6 Gale file with her. There needs to be -- even if it's late  
7 notice, based on something that happened in the course of the  
8 trial -- and things do happen in the course of the trial which  
9 might cause you to feel the need to present additional  
10 evidence -- but there's got to be some kind of notice to the  
11 defense.

12 **MS. HOFFMAN:** Ms. Whalen obviously has the file and  
13 used it to cross-examine Mr. Wagster.

14 **THE COURT:** She doesn't have -- she has just told me  
15 she doesn't have it.

16 **MS. WHALEN:** And I actually did not use any file to  
17 cross-examine. I just happened to know that he -- based on the  
18 reports that came into evidence, that he only compared it to  
19 one crime scene. So I knew that from his own report. So  
20 that's just not accurate.

21 **THE COURT:** Right now, for right now I'm sustaining  
22 the objection.

23 I'll possibly reconsider with more notice. Now, the  
24 trial is not over yet, but I think it would be unfair to allow  
25 you to go into this at this point with zero notice to the

1 defense.

2 **MS. WHALEN:** Thank you.)

3 (Bench conference concluded.)

4 **MS. HOFFMAN:** Thank you, Mr. Lamont.

5 I have no further questions.

6 **THE COURT:** Thank you, Ms. Hoffman.

7 **MS. WHALEN:** No questions for Mr. Bailey, Your Honor.

8 **MR. SARDELLI:** No questions.

9 **THE COURT:** All right. Thank you very much, sir.

10 **THE WITNESS:** Thank you, Your Honor.

11 **THE COURT:** You're excused.

12 (Witness excused.)

13 **THE COURT:** And is there another witness?

14 **MS. PERRY:** Yes, Your Honor. The Government calls  
15 Virginia Sladko.

16 **THE CLERK:** Ms. Hoffman, firearms (indicating).

17 Please raise your right hand.

18 VIRGINIA SLADKO, GOVERNMENT'S WITNESS, SWORN.

19 **THE CLERK:** Please be seated.

20 Please speak directly into the microphone.

21 State and spell your full name for the record, please.

22 **THE WITNESS:** My name is Virginia Sladko. That's  
23 V-I-R-G-I-N-I-A, S-L-A-D-K-O.

24 **THE CLERK:** Thank you.

~~SLADKO - DIRECT ON VOIR DIRE~~

DIRECT EXAMINATION ON VOIR DIRE

**BY MS. PERRY:**

**Q.** Good afternoon.

**A.** Good afternoon.

**Q.** Where are you currently employed?

**A.** I work for the crime lab at the Baltimore Police Department.

**Q.** And what is your title with the crime lab?

**A.** I'm a Forensic Scientist II, but I work as a DNA analyst.

**Q.** And how long have you been with the crime lab at the Baltimore Police Department?

**A.** I've been there almost eight years now.

**Q.** Well, what does it mean to be a DNA analyst?

**A.** So I get samples from crime scene evidence, and I am tasked with developing a DNA profile from those samples and comparing it to DNA profiles of known individuals.

**Q.** How long have you been a DNA analyst?

**A.** I've been two and a half years.

**Q.** What is your educational background?

**A.** I have a Bachelor's degree in biology from Anderson University in South Carolina and a Master's degree in forensic science from Towson University.

**Q.** What specialized training have you had in forensic DNA testing and analysis?

**A.** Through the Baltimore Police Department, I had to do a

~~SLADKO - DIRECT ON VOIR DIRE~~

1 14-part training program that covers all of the different steps  
2 of the DNA analysis process, very extensively. Covers several  
3 mock cases, and along with that is several written and oral  
4 exams as well as a final competency test.

5 Q. Are you required to maintain proficiency? And if so, how  
6 do you maintain proficiency as a DNA analyst?

7 A. Yes. The FBI guidelines require that I do proficiency  
8 tests twice a year.

9 Q. And have you passed all of your tests?

10 A. Yes.

11 Q. How many evidence examinations have you conducted as a DNA  
12 analyst, approximately?

13 A. I have analyzed over 300 cases, which is approximately 600  
14 items.

15 Q. Do you do any peer review?

16 A. Yes.

17 Q. How many files have you peer-reviewed?

18 A. That's hard to give a number. I would say I do  
19 approximately 15 a month, and I've done that since I started,  
20 so two and a half years of that.

21 Q. Have you testified as an expert in DNA analysis before?

22 A. Yes.

23 Q. How many times and in what courts?

24 A. I've testified as a DNA analyst 22 times all for the  
25 Circuit Court for Baltimore City.

**MS. PERRY:** Your Honor, at this time I would offer Ms. Sladko as an expert in forensic DNA analysis.

**THE COURT:** Okay. Any objections or questions?

**MS. WHALEN:** No. Thank you.

**MR. DAVIS:** No, Your Honor.

**THE COURT:** Based on the witness's education and training and experience, I will find her qualified to give opinion testimony in the field of forensic DNA analysis.

**MS. PERRY:** Thank you.

## DIRECT EXAMINATION

BY MS. PERRY:

**Q.** Now, Ms. Sladko, were you asked to examine evidence from the August 10th, 2016 homicide of Ricardo Johnson and evidence recovered from the 2100 block of Tucker Lane on August 10th of 2016?

A. Yes.

**Q.** And did you create reports to document your findings?

**A.** Yes.

Q. At this point I would like to approach and show you what I'll mark for identification as DNA-1, 2, and 3, so for identification only.

(Hanging.)

Do you recognize these?

A. Yes.

**Q.** Are those the reports you created with respect to the

~~SLADKO - DIRECT~~

1 analysis in this case?

2 **A.** Yes.

3 **Q.** So before turning to the evidence in this particular case,  
4 I want to talk just generally about DNA forensic testing.

5 First, what is DNA?

6 **A.** So DNA is the genetic material that's within all of our  
7 cells, and it's what makes us each unique. It gives us the  
8 look that we have, and it's unique to every individual with the  
9 exception of identical twins.

10 **Q.** How is DNA useful in forensic testing?

11 **A.** So it's useful because when we come into contact with  
12 something or two people come into contact with one another,  
13 there is a general concept that DNA or skin cells or body  
14 fluids are transferred from one thing to another or one person  
15 to another. So we can use that in the commission of a crime to  
16 assume that something was left behind by the individuals  
17 involved.

18 **Q.** What are some reasons that DNA might not be recovered from  
19 a crime scene?

20 **A.** So there's a lot of different reasons. It could be just  
21 that it wasn't found. The DNA -- the items that DNA would have  
22 been left on were not actually identified.

23 It could be time and weather elements that could play into  
24 it. It could be that someone was wearing gloves. There's a  
25 lot of different reasons.

~~SLADKO - DIRECT~~

1 Q. Can you describe what happens in the laboratory during DNA  
2 testing.

3 A. So the DNA analysis process is a four-step process. And  
4 the way it works is I'm given a small sample -- or, actually,  
5 comparatively to the evidence I receive as a whole, it's a very  
6 small sample. It's in a small test tube. And I am tasked with  
7 extracting the DNA. That's Step Number 1. It's just cleaning  
8 up the DNA and isolating it from all the other material.

9 Then the next step I do is quantitate it or determine how  
10 much DNA is present. And once I know how much is there, I can  
11 make millions of copies of that DNA.

12 And then the last step is the detection step, and that is  
13 where I end up with a list of numbers. And that's  
14 representative of the DNA profile.

15 So I like to think about it as a complex Social Security  
16 number. We all have our unique Social Security number, and  
17 that's just nine digits.

18 But a DNA profile is actually 24 different locations, all  
19 with at least two numbers at that location. So you can imagine  
20 how much more unique it is even comparatively to a  
21 Social Security number.

22 Q. Can you tell us what a standard is.

23 A. Yes. A standard is a -- either an oral swab of someone's  
24 mouth or a blood sample that's collected from an individual,  
25 and it's to represent their DNA profile.



~~SLADKO - DIRECT~~

1 Q. What quality controls are in place to ensure the integrity  
2 of the testing procedures in your laboratory?

3 A. There's a lot. Primarily, the biggest one, we're wearing  
4 gloves at all times. Lab coats are worn. All of the surfaces  
5 I'm working on are cleaned with a 10 percent bleach solution  
6 and covered with what we consider craft paper to create a  
7 barrier.

8 All of our evidence from crime scenes, that's tested  
9 before any standards from any individuals are tested so as to  
10 not allow any possibility of contamination.

11 Q. What conclusions can you draw after DNA testing?

12 A. So after DNA testing, once I have my results, I can then  
13 look at the DNA profile from the evidence and I can look at the  
14 DNA profiles from the standards or the individuals involved or  
15 believed to be involved. And I can compare them and determine  
16 whether there's an inclusion, meaning a person contributed  
17 their DNA to the profile, or an exclusion, meaning they did not  
18 contribute DNA. Or sometimes we get an inconclusive result,  
19 which means we cannot include or exclude an individual.

20 Q. Now, before jumping to the evidence in this particular  
21 case, I have a few more questions.

22 What is a single-source DNA profile?

23 A. So that's when you get a DNA profile from one individual.

24 Q. And what is a mixture?

25 A. A mixture is when you get a DNA result that is from at

~~SLADKO - DIRECT~~

1 least from two contributors.

2 Q. What is a major profile?

3 A. So if you were to have a mixture, sometimes one person --  
4 let's say it's a two-person mixture. Sometimes one person is  
5 contributing more to that mixture, so we would consider the  
6 major contributor.

7 Q. And what is a partial profile?

8 A. A partial profile is -- I mentioned we have 24 locations  
9 we're looking at within the DNA, and partial is when we don't  
10 get a result at one or more location. So it could be caused by  
11 weather. Sunlight breaks down DNA. It's generally considered  
12 degradation or degrading the DNA, and that's a lot of different  
13 things that can factor into that.

14 Q. And, finally, what is probabilistic genotyping?

15 A. Probabilistic genotyping is a computer software program  
16 that can help me when it comes to complex mixtures that can't  
17 be deconvoluted or separated out. The individuals can't be  
18 separated out. I can use the software program to help me.

19 Q. And is probabilistic genotyping commonly used in the field  
20 of forensic DNA analysis?

21 A. It is.

22 Q. So I want to turn to the evidence in this case.

23 First, was your laboratory asked to conduct DNA testing  
24 with respect to the homicide of Ricardo Johnson?

25 A. Yes.

~~SLADKO - DIRECT~~

1 Q. And before jumping into the evidence, did you develop any  
2 standards in this investigation?

3 A. Yes.

4 Q. Can you describe which standards were developed.

5 A. Yes. I was asked to analyze a oral swab from  
6 Sydni Frazier, an oral swab from Matthew McCormick, and a blood  
7 card from Ricardo Johnson.

8 Q. And were you able to develop a single-source DNA profile  
9 from each of those standards?

10 A. Yes.

11 Q. Was evidence for the -- in this case submitted for  
12 testing?

13 A. Yes.

14 Q. Can you describe which items of evidence you received and  
15 were tested.

16 A. Yes.

17 I was given zip ties from the left wrist, shoelace  
18 bindings from a wrist, shoelace binding from ankles, a bandana,  
19 left fingernail clippings, right fingernail clippings, lace  
20 loops from the right Nike shoe, swabs from a steering wheel,  
21 swabs from the interior of left glove, swabs from the interior  
22 of right glove.

23 I was also tasked with another set of gloves, swabs from  
24 the interior and exterior of both of those, right and left  
25 glove.

~~SLADKO - DIRECT~~

1 And then swabs from the interior of black hooded jacket.

2 Q. Now, I want to focus your attention specifically on the  
3 gloves that you just described and the jacket you described  
4 that were recovered from the 2100 block of Tucker Lane.

5 Did you test these items as well as the other items you  
6 described?

7 A. Yes.

8 Q. What testing was done on the items?

9 A. So the DNA analysis process I previously explained, those  
10 four steps, that's how all of these were treated.

11 Q. And turning specifically to the jacket, was a DNA -- was  
12 DNA recovered from the jacket?

13 A. Yes.

14 Q. And were you able to develop a full DNA profile?

15 A. Yes.

16 Q. And were you able to compare the DNA profile developed  
17 from the jacket?

18 A. Yes.

19 Q. Were you able to determine the source of that DNA profile?

20 A. Yes.

21 Q. Can you tell us what you were able to determine.

22 A. Yes. So the DNA profile from the interior of the jacket  
23 was consistent with a major male contributor and at least three  
24 indeterminate minor contributors. And Sydni Frazier was the  
25 source of the major male portion of that profile.

~~SLADKO - DIRECT~~

1 Q. And were you able to apply or did you apply any statistics  
2 to this result?

3 A. Yes.

4 Q. Can you explain.

5 A. Yes. So when you have a single-source profile, the  
6 statistic we use is called a random-match probability, and that  
7 is basically telling you how unique that profile is within the  
8 random population. And based off of the statistic I was given  
9 from this particular profile, I'm 99.9 percent confident that  
10 that profile is unique within the population.

11 Q. Now, I want to turn to the gloves.

12 Was DNA able to be recovered from the gloves?

13 A. Yes.

14 Q. Where was the DNA recovered from with respect to the  
15 gloves?

16 A. So there was two gloves and two swabs from the interior,  
17 and two swabs from the exterior were collected from each glove.

18 **THE COURT:** I'm sorry. Which gloves?

19 **BY MS. PERRY:**

20 Q. And are those the gloves that were recovered from the  
21 2100 block of Tucker Lane, the gloves submitted under the  
22 second CC number and not submitted with the zip ties and  
23 other --

24 A. Yes, yes.

25 Q. And could you just tell us what the CC number with respect

~~SLADKO - DIRECT~~

1 to the gloves we're talking about is.

2 **A.** Yes. It's 8160804353.

3 **Q.** And were those gloves submitted -- the gloves we're  
4 talking about, were those gloves submitted under the same CC  
5 number as the jacket we've just discussed?

6 **A.** Yes.

7 **Q.** And so were there gloves submitted under the other CC  
8 number as well?

9 **A.** Yes.

10 **Q.** So I want to put those gloves and the other CC number  
11 aside and talk specifically about the ones that are under the  
12 same number as the jacket.

13 **A.** Okay.

14 **Q.** So talking again about those gloves, you -- I believe you  
15 just testified that there were swabs taken from the interior  
16 and exterior of both of those gloves.

17 **A.** Correct.

18 **Q.** So I want to talk, first, about the interior of the left  
19 glove.

20 What was able to be developed?

21 **A.** So that profile was consistent with a partial DNA profile  
22 of at least four contributors.

23 **Q.** And were you able to compare your -- what you were able to  
24 develop to anyone?

25 **A.** Yes.

~~SLADKO - DIRECT~~

1 Q. And what were the results?

2 A. Matthew McCormick was excluded as a contributor to that  
3 mixture.

4 Ricardo Johnson could neither be included nor excluded as  
5 a contributor to the mixture.

6 And Sydni Frazier matched one of the genotypes within the  
7 mixture.

8 Q. And, again, this is talking about the interior of the left  
9 glove?

10 A. Yes.

11 Q. And did you apply any statistics to this particular  
12 result?

13 A. To the Sydni Frazier match?

14 Q. Yes.

15 A. Yes.

16 Q. Can you tell us what the statistics are.

17 A. A match between Sydni Frazier and the inferred genotype is  
18 47.7 billion times more probable than a coincidental match to  
19 an unrelated individual in the African-American population.

20 A match between him and the inferred genotype is  
21 1.17 trillion times more probable than a coincidental match to  
22 an unrelated individual in the Hispanic-American population.

23 And the match is 3.20 trillion times more probable than a  
24 coincidental match to an unrelated individual in the  
25 Caucasian-American population.

~~SLADKO - DIRECT~~

1 Q. Now, you've just given us three separate statistics. Can  
2 you explain why you gave us three separate statistics.

3 A. Yes. I report three statistics because we break down the  
4 stats based off of the general population of the city of  
5 Baltimore, and so those three population groups make up the  
6 majority of our population.

7 Q. Now, I want to turn to the exterior of the left glove, so  
8 the same glove we've been talking about, but now I want to talk  
9 about the exterior.

10 What was developed?

11 A. That was consistent with a DNA mixture of at least four  
12 contributors.

13 Q. And were you able to compare those results to anyone?

14 A. Yes.

15 Q. And what were your results?

16 A. Matthew McCormick was excluded as a contributor to the  
17 mixture and -- excuse me.

18 Sydni Frazier matched a genotype within the mixture, and  
19 Ricardo Johnson matched an inferred genotype within that  
20 mixture.

21 Q. So as to the left glove exterior, can you tell us if you  
22 applied any statistics with respect to the match to  
23 Sydni Frazier.

24 A. Yes, I did.

25 Q. Can you tell us those statistics.



~~SLADKO - DIRECT~~

1 **A.** Yes. A match between Sydni Frazier and the inferred  
2 genotype is 105,000 times more probable than a coincidental  
3 match to an unrelated individual in the African-American  
4 population.

5 It is 457,000 times more probable than a coincidental  
6 match to an unrelated individual in the Hispanic-American  
7 population.

8 And it is 471,000 times more probable than a coincidental  
9 match to an unrelated individual in the Caucasian-American  
10 population.

11 **Q.** And with respect to the match to Ricardo Johnson, did you  
12 apply any statistics to that result?

13 **A.** Yes.

14 **Q.** Can you tell us those statistics.

15 **A.** Yes. A match between Ricardo Johnson and the inferred  
16 genotype is 382 septillion times more probable than a  
17 coincidental match to an unrelated individual in the  
18 African-American population, 5.77 octillion times more probable  
19 than a coincidental match to an unrelated individual in the  
20 Hispanic-American population, and 23.8 octillion times more  
21 probable than a coincidental match to an unrelated individual  
22 in the Caucasian-American population.

23 **Q.** So I want to now turn your attention to the other glove  
24 that you tested, the right glove, and specifically to the  
25 interior of the right glove.

~~SLADKO - DIRECT~~

1           What was developed with respect to the interior of the  
2           right glove?

3           **A.**    The interior of the glove yielded a DNA profile consistent  
4           with a mixture of at least four contributors.

5           **Q.**    And were you able to compare that mixture?

6           **A.**    Yes.

7           **Q.**    What were your results?

8           **A.**    Matthew McCormick was excluded as a contributor to the  
9           mixture.

10          Ricardo Johnson could neither be included nor excluded as  
11          a contributor to the mixture.

12          And Sydni Frazier matched an inferred genotype within that  
13          mixture.

14          **Q.**    And with respect to the match to Sydni Frazier, did you  
15          apply any statistics to that result?

16          **A.**    Yes.

17          **Q.**    Can you tell us what those were.

18          **A.**    A match between Sydni Frazier and the inferred genotype is  
19          626 million times more probable than a coincidental match to an  
20          unrelated individual in the African-American population.

21          31.9 billion times more probable than a coincidental match  
22          to an unrelated individual in the Hispanic-American population.

23          And 45.7 billion times more probable than a coincidental  
24          match to an unrelated individual in the Caucasian-American  
25          population.

~~SLADKO - DIRECT~~

1 Q. And finally, turning to the exterior of that right glove,  
2 was a profile able to be developed?

3 A. Yes.

4 Q. What was developed?

5 A. That was a partial DNA profile consistent with a mixture  
6 of at least three contributors.

7 Q. And were you able to compare that to anyone?

8 A. Yes.

9 Q. What were your results?

10 A. Matthew McCormick was excluded as a contributor to the  
11 mixture.

12 Sydni Frazier could neither be included nor excluded as a  
13 contributor to the mixture.

14 And Ricardo Johnson matched one of the inferred genotypes  
15 within the mixture.

16 Q. And did you apply any statistics to the result of the  
17 Ricardo Johnson match to the exterior of the right glove?

18 A. Yes.

19 Q. And what were those statistics?

20 A. A match between Ricardo Johnson and the inferred genotype  
21 is 10.8 trillion times more probable than a coincidental match  
22 to an unrelated individual in the African-American population.

23 46.9 trillion times more probable than a coincidental  
24 match to an unrelated individual in the Hispanic-American  
25 population.

~~SLADKO - DIRECT~~

1 And 91.2 trillion times more probable than a coincidental  
2 match to an unrelated individual in the Caucasian-American  
3 population.

4 **Q.** Now, Ms. Sladko, you've just given us a lot of numbers, so  
5 I want to just summarize briefly, if I could. As to the black  
6 jacket, what kind of profile was able to be developed?

7 **A.** It was a mixture with a single-source major profile.

8 **Q.** And what conclusions were you able to draw with respect to  
9 the single-source major profile?

10 **A.** Sydni Frazier was the source of the major male portion of  
11 that profile.

12 **Q.** And with respect to the left glove, were inferred  
13 genotypes developed as to the interior and exterior?

14 **A.** Yes.

15 **Q.** And what conclusions were you able to draw about the left  
16 glove?

17 **A.** Matthew McCormick was excluded as the contributor.

18 Ricardo Johnson could neither be included nor excluded as  
19 a contributor.

20 And Sydni Frazier was included as a contributor.

21 **Q.** And as to the exterior of that particular glove, the left  
22 glove?

23 **A.** Matthew McCormick is excluded as a contributor.

24 Sydni Frazier and Ricardo Johnson were included as  
25 contributors.

~~SLADKO - CROSS~~

1 Q. And as to the right glove, were inferred genotypes  
2 developed as to the interior and exterior?

3 A. Yes.

4 Q. And with respect to the interior, was there an inferred  
5 genotype that matched Sydni Frazier?

6 A. Yes.

7 Q. And as to the exterior, was there an inferred genotype  
8 that matched Ricardo Johnson?

9 A. Yes.

10 MS. PERRY: Court's indulgence.

11 I have nothing further. Thank you.

12 THE COURT: Thank you.

13 Any questions?

14 MR. DAVIS: Yes.

15 THE COURT: All right. Mr. Davis.

16 CROSS-EXAMINATION

17 BY MR. DAVIS:

18 Q. I'm not going to ask you about statistics.

19 A. Okay.

20 Q. The gloves were mismatched.

21 Do you recall that?

22 A. I did not receive the gloves.

23 Q. You received the DNA samples?

24 A. Correct.

25 Q. In regard to the samples that you received, had the gloves

~~SLADKO - CROSS~~

1 been processed already?

2 **A.** Yes; by our serologist.

3 **Q.** For blood?

4 **A.** I believe that -- one moment.

5 May I clarify that you're talking about the gloves I just  
6 gave the statistics for?

7 **Q.** Yes. The right and left glove.

8 **A.** Yes. The serologist tested two stains for blood.

9 **Q.** And was there blood on the gloves?

10 **A.** The results were negative for both stains.

11 **Q.** Now, on the black jacket that you received DNA samples  
12 from, that black jacket had four stains, and that -- those  
13 stains were not blood either, were they?

14 **A.** The black hooded Under Armour jacket, is that the one  
15 you're talking about?

16 **Q.** Yes. Correct.

17 **A.** There's five dark stains.

18 **Q.** Five. And none of those were blood; correct?

19 **A.** Correct.

20 **Q.** Going back to when you did your DNA analysis and who had  
21 what samples or what items before you had them, did you have  
22 any idea if the gloves were processed, say, for example, for  
23 gunshot residue or for prints or anything else other than what  
24 you did?

25 **A.** As far as gunshot residue, we don't do gunshot residue

~~SLADKO - CROSS~~

1 analysis in our lab anymore. So that wasn't done.

2 Q. But you didn't even get the gloves. You just got the  
3 samples; correct?

4 A. Correct.

5 Q. And on the left glove, if I heard you correctly, the  
6 interior of the glove had four contributors, of which  
7 Mr. Frazier was the major contributor? And feel free to look  
8 at your report to refresh your recollection.

9 A. You said the left interior?

10 Q. Yes, the left interior glove.

11 A. Sydni Frazier matched one of the genotypes; correct.

12 Q. Yes. And there were four contributors to the left glove  
13 interior?

14 A. There is at least four contributors, yes.

15 Q. And on the right glove, the interior, there are also four  
16 contributors, of which Mr. Frazier was one; correct?

17 A. Yes, at least four.

18 Q. So that means you picked up four different people's DNAs  
19 on both the gloves; correct?

20 A. Yeah. I can say there's a minimum of four contributors.

21 Q. Now, if it's a hot day and you're wearing gloves and  
22 you're sweating a lot, would that be a good source of DNA?

23 A. Sweat is a good source of DNA, yes.

24 Q. Now, the right glove, the exterior portion, there were  
25 three contributors to the DNA on that; correct?

~~SLADKO - CROSS~~

1     **A.**     At least three.

2     **Q.**     Of which included Ricardo Johnson; correct?

3     **A.**     Correct.

4     **Q.**     And with respect to the left glove, the exterior, there  
5     were four contributors to what was found on the exterior;  
6     correct?

7     **A.**     Yes, at least four.

8             **MR. DAVIS:** I have no further questions. Thank you.

9             **THE COURT:** Anyone else?

10            **MS. WHALEN:** No. Thank you.

11            **THE COURT:** Any redirect?

12            **MS. PERRY:** No, Your Honor. Thank you.

13            **THE COURT:** Okay. Thank you very much. You are  
14     excused.

15            (Witness excused.)

16            **THE COURT:** Would the Government be ready to call  
17     another witness?

18            **MS. HOFFMAN:** Your Honor, may we approach briefly?

19            **THE COURT:** Sure.

20            (Bench conference on the record:

21            **MS. HOFFMAN:** Your Honor, we are ready with our next  
22     witness, but Mr. Davis had asked that we -- so we are ready to  
23     call our next witness, Agent Moore. Mr. Davis had asked that  
24     we re-call Detective Niedermeier for a particular purpose,  
25     which we are willing to do, but we wanted to --



1           **MS. PERRY:** It's a piece of evidence we would  
2 otherwise be putting in through Agent Moore. Mr. Davis would  
3 rather us put it in back through -- re-call  
4 Detective Niedermeier which we aren't really opposed to, but  
5 we're trying to figure out whether Detective Niedermeier is  
6 available to come back on Thursday before we have to --

7           **MR. DAVIS:** I think Niedermeier was at  
8 961 Bennett Place when the search was conducted. Was  
9 Agent Moore?

10          **MS. HOFFMAN:** No.

11          **MR. DAVIS:** See, when --

12          **THE COURT:** Can't we do both? Can't we go ahead and  
13 have whatever this is, if you were going to get it in through  
14 Agent Moore, then get it in, but still try to get  
15 Detective Niedermeier back?

16          **MR. DAVIS:** We could do that. We could do that. I  
17 mean, it's --

18          **MS. HOFFMAN:** Sure.

19          **MR. DAVIS:** It's just that he's not going to be able  
20 to answer any questions that I would ask of  
21 Detective Niedermeier, but I could get him back. I'll just ask  
22 him if he was there when the stuff was seized.

23               Just for clarification purposes, 961 Bennett Place,  
24 when they put -- had Detective Niedermeier on, I had  
25 anticipated they were going to put someone on to introduce the

1 actual physical items afterwards. So I didn't ask him any  
2 questions about the search.

3 And now I'd like to ask him a few questions about  
4 that, and the Government has graciously agreed to allow me to  
5 reopen cross on that.

6 **THE COURT:** Sure. Okay. All right. Appreciate that.

7 All right. Would it be easier to have the break now  
8 and then start, or do you want to get started with Agent Moore?

9 **MR. DAVIS:** Agent Moore is going to be brief, isn't  
10 he?

11 **MS. HOFFMAN:** No. He's very lengthy.

12 **MR. DAVIS:** Well, myself, I'm just thinking about what  
13 we just talked about.

14 **MS. HOFFMAN:** Do you want to take the break now?

15 **THE COURT:** Break. We'll take the break now.)

16 (Bench conference concluded.)

17 **THE COURT:** All right, ladies and gentlemen, it  
18 appears there will be another witness, but this might be a good  
19 time to take the mid-afternoon break.

20 So we'll excuse the jury.

21 (Jury left the courtroom at 3:21 p.m.)

22 **THE COURT:** All right. And we'll excuse the gallery.

23 All right. We'll take our mid-afternoon recess.

24 (Recess taken.)

25 **THE COURT:** All right. Mr. Enzinna, you had mentioned

~~SLADKO - CROSS~~

1 putting the -- Mr. Bailey's waiver on the record. This might  
2 be a good time to do that.

3 **MR. ENZINNA:** Yes, Your Honor. Now would be a good  
4 time to do that.

5 **THE COURT:** Anything you'd like to say?

6 **MR. ENZINNA:** Well, I did ask the Court if I could be  
7 permitted to be excused from trial next week.

8 **THE COURT:** I can't -- I'm sorry. I cannot hear you.

9 **MR. ENZINNA:** Your Honor, the Government the other day  
10 objected to my request to be excused from trial for next week  
11 and asked that Mr. Bailey make a waiver of my presence --

12 **THE COURT:** Yes.

13 **MR. ENZINNA:** -- for that week on the record, and he's  
14 prepared to do that right now.

15 **THE COURT:** Okay. Would you like to have him do that?

16 **MR. ENZINNA:** Sure.

17 **THE COURT:** Ask the appropriate questions. He can sit  
18 right where he is. And you can just ask a question into a  
19 microphone, and he can answer in a microphone.

20 **MR. ENZINNA:** Mr. Bailey, you understand that under  
21 statute, you're entitled to two counsel in this case?

22 **DEFENDANT BAILEY:** Yeah.

23 **MR. ENZINNA:** And you understand that I've been  
24 appointed to represent you with Ms. Whalen?

25 **DEFENDANT BAILEY:** Yeah.

~~SLADKO - CROSS~~

1           **MR. ENZINNA:** And you understand also that I've asked  
2 to be excused from trial next week; correct?

3           **DEFENDANT BAILEY:** Yes.

4           **MR. ENZINNA:** And you understand that you can waive  
5 that if you wish to, or you can not waive that if you don't  
6 wish to.

7           Do you understand that?

8           **DEFENDANT BAILEY:** Yeah. I said I'd let you go.  
9 Yeah.

10          **MR. ENZINNA:** All right. Okay.

11          **THE COURT:** So just to be clear, Mr. Bailey, you're  
12 willing that for next week, Ms. Whalen will be here to  
13 represent you --

14          **DEFENDANT BAILEY:** Yes, ma'am.

15          **THE COURT:** -- but not Mr. Enzinna, and that's all  
16 right with you?

17          **DEFENDANT BAILEY:** Yes, ma'am.

18          **MR. ENZINNA:** Thank you very much, Your Honor.

19          **THE COURT:** Thank you. Any other additional questions  
20 the Government feels the need to ask?

21          **MS. HOFFMAN:** I think that's sufficient.

22          **THE COURT:** All right. Then we'll bring in the jury.  
23 (Jury entered the courtroom at 3:43 p.m.)

24          **THE COURT:** Another witness?

25          **MS. HOFFMAN:** The Government calls Tim Moore.

~~MOORE~~ - ~~DIRECT~~

1           **THE CLERK:** Agent Moore, you're still under oath.

2           **THE WITNESS:** Yes, ma'am.

3           SPECIAL AGENT TIMOTHY MOORE, GOVERNMENT'S WITNESS,  
4           PREVIOUSLY SWORN.

5           **THE COURT:** And we'll start by saying: Speak slowly.

6           **THE WITNESS:** Yes, ma'am.

7                               DIRECT EXAMINATION

8           **BY MS. HOFFMAN:**

9           **Q.** Good afternoon, Agent Moore.

10          **A.** Good afternoon.

11          **Q.** As part of your role as case agent in this case, did you  
12          take part in an investigation into the murder of someone named  
13          Ricardo Johnson?

14          **A.** I did.

15          **Q.** Did you learn nicknames for Ricardo Johnson?

16          **A.** He went by Rick or Uncle Rick.

17          **Q.** And can you remind us when he was killed.

18          **A.** It was August 10th, 2016.

19          **Q.** And as part of your role as case agent, did you receive  
20          evidence from a search warrant executed at 961 Bennett Place on  
21          November 16th of 2016?

22          **A.** Yes, ma'am.

23          **Q.** And just to be clear, were you -- did you assist in that  
24          search warrant?

25          **A.** No, ma'am.

1 Q. So you simply received evidence recovered during that  
2 search warrant?

3 A. That's correct.

4 Q. Now, I'm going to show you Government's Exhibit SW-12-A.  
5 Do you recognize this photo here?

6 A. Yes, I do.

7 Q. And do you see -- I'm going to circle it here -- oops. I  
8 don't know that that's working.

9 Do you see the box in the upper left corner?

10 A. Yes; the one that looks like it's inside a paint bucket.

11 Q. And can you tell us what it is.

12 A. That is a Taurus handgun box.

13 Q. And I'm going to show you Government's Exhibit SW-12-C.  
14 And what are we looking at here?

15 A. Same item.

16 Q. And did you receive this item as part of the evidence  
17 recovered from 961 Bennett Place?

18 A. Yes, ma'am.

19 Q. And I'm going to approach and show you  
20 Government's Exhibit D-25C.

21 (Handing.)

22 What do you have in front of you there?

23 A. That is the same Taurus gun box as in the photo.

24 Q. Does the gun box in front of you have a serial number on  
25 it?

1 A. Sure does.

2 Q. And can you read that serial number.

3 A. Sure. It's T, as in Tom; J, as in John; N, as in Nancy;  
4 73204.

5 Q. And I'm going to approach and show you  
6 Government's Exhibit F-24.

7 Well, first let me ask you: As part of your role as case  
8 agent, did you receive evidence recovered from the 2100 block  
9 of Tucker Lane on August 10th of 2016?

10 A. I did.

11 Q. I'm going to approach and show you F-24.  
12 (Handing.)

13 A. Thank you.

14 Q. What are you looking at there?

15 A. That's the same firearm that belongs to this Taurus box.

16 Q. And how do you know that?

17 A. The serial numbers are identical.

18 Q. And, for the record, can you read the serial number on the  
19 gun.

20 A. Yes, I can. T, as in Tom; J, as in John; 73204.

21 Q. Now, I've just asked you about the seizure of evidence  
22 from the 2100 block of Tucker Lane on August 10th of 2016.

23 Did you receive as part of your role as case agent a  
24 backpack containing guns?

25 A. Yes.

~~MOORE - DIRECT~~

1 Q. And did you receive cell phones from that backpack?

2 A. Yes.

3 Q. And was a search warrant executed on the cell phones?

4 A. It was.

5 Q. Now, I'm going to show you Government's Exhibit CELL-5-A,  
6 which has been identified as excerpts from the certified  
7 extraction report for Government's Exhibit CELL-5, the HTC --  
8 which has been identified as the HTC phone from the backpack  
9 recovered on Tucker Lane on August 10th of 2016.

10 And is that showing up on the screen in front of you?

11 A. Yes, ma'am.

12 Q. So I'm first going to direct your attention to the device  
13 number at the top here.

14 Can you read that device number.

15 A. Yep. It's (443) 640-8950.

16 Q. And did this number have any significance in your  
17 investigation?

18 A. It did. That phone was recovered in the bag, as we said,  
19 and it also was listed in, I believe it was Dante Bailey's  
20 cell phone under "Jr. Boss."

21 Q. And is that some -- is that one of the cell phone excerpts  
22 that we looked at yesterday?

23 A. Yes, ma'am.

24 Q. And with respect to this device number, did you check the  
25 extraction report, the certified extraction report for this



~~MOORE~~ - ~~DIRECT~~

1 phone?

2 A. I did.

3 Q. And is this the correct device number for the phone?

4 A. Yes, ma'am.

5 Q. Now, I'm going to direct your attention to selected user  
6 accounts. Can you tell us what those accounts are.

7 A. Sure. The first is lilsid961@gmail.com.

8 The second is lilsid5200@yahoo.com.

9 Q. And did the number 961 have any significance in your  
10 investigation?

11 A. It did.

12 Q. What was the significance?

13 A. 961 Bennett Place was a residence used by Sydni Frazier.

14 Q. What about the number 5200?

15 A. 5200 was the number that many of the guys used to denote  
16 5200 Windsor Mill.

17 Q. And when you say "many of the guys," are you referring to  
18 subjects of your investigation?

19 A. Yes, ma'am. Sorry.

20 Q. I'd like to -- well, let me ask you: Was there data in  
21 the phone -- was there additional data in the phone indicating  
22 who used the phone?

23 A. Yes.

24 Q. And I'd like to first direct you to this first line here  
25 of selected SMS messages.

1 Do you see the sender number here?

2 A. Yes, ma'am.

3 Q. Can you read that number for us.

4 A. Sure. It's 1 (443) 492-7556.

5 Q. And did you determine over the course of your  
6 investigation who that number belonged to?

7 A. Yes. It belongs to Ariel Johnson.

8 Q. And who is Ariel Johnson?

9 A. It's Sydni Frazier's girlfriend.

10 Q. And did you have an occasion to speak to her in person?

11 A. Yes.

12 Q. And how did you determine that this was her phone number?

13 A. I've listened to jail calls from -- to that number.

14 Excuse me.

15 Q. And can you tell us what this message is that that number  
16 associated with Ariel Johnson sent to the phone.

17 A. It's a screenshot of a Maryland Judiciary Case Search  
18 search, which is essentially an online database that the  
19 Maryland court system uses. And the subject of that search is  
20 Sydni Frazier.

21 Q. I'm going to go down to Page 2.

22 Well, first, let me go up, and do you see that there's a  
23 text to the phone that says, "Who?"

24 A. Yes.

25 Q. And then going onto the next page, do you see that there's

~~MOORE~~ - ~~DIRECT~~

1 a text from the phone that says, "Sid"?

2 A. Yes, ma'am.

3 Q. And do you see that there are pictures being sent to and  
4 from the phone?

5 A. Yes.

6 Q. And who's depicted in those pictures?

7 A. Sydni Frazier.

8 Q. In the first picture, do you see that that is a message  
9 sent from the phone?

10 A. Yes, ma'am.

11 Q. And, for the record, can you describe what that photo  
12 appears to be.

13 A. It appears to be a selfie or a self-taken photo.

14 Q. I'm going to go down to the next page.

15 Do you see that there is a text message from the phone  
16 here on July 24th of 2016?

17 A. Yes, ma'am.

18 Q. And what does that say?

19 A. 961 Bennett Place.

20 Q. And then do you see that there are a number of  
21 text messages here that reference Sid?

22 A. Yes, ma'am.

23 Q. And I guess I should ask you to remind us: Did you learn  
24 nicknames that Sydni Frazier went by?

25 A. Yes. Sid or Jr. Boss.

~~MOORE - DIRECT~~

1 Q. I'm going to scroll down to Page 4.

2 And can you tell us the date -- do you see these selected  
3 images here?

4 A. Yes, ma'am.

5 Q. Can you tell us the date of these images.

6 A. Yeah. They're both taken on August 9th, 2016.

7 Q. And what time of day?

8 A. It's in the evening, looks like about 7:52 p.m.

9 Q. And what do these images appear to be?

10 A. Again, they're going to be two more selfies.

11 Q. Of?

12 A. Of Sydney Frazier.

13 Q. And here is the date here also, August 9th, 7:52 p.m.?

14 A. Yes, ma'am.

15 Q. And what does this appear to be?

16 A. Same thing, another selfie of Sydney Frazier.

17 Q. I'd like to direct your attention to some text messages.

18 Let me ask you: Were there text messages in the phone  
19 indicative of drug trafficking?

20 A. Yes.

21 Q. Do you see text message 838 here? Can you read -- can you  
22 actually read this exchange for us (indicating).

23 A. Sure. So it starts with 838, and it's from the phone  
24 WhatV to the --

25 Q. I'm sorry.

~~MOORE - DIRECT~~

1 A. That's okay.

2 Q. Let me zoom in on -- who is that first text message from?

3 A. It's a phone that's titled "WhatV," and it's to the target  
4 phone. And the question is [reading]: It's fire, right?

5 And 837 is the response to the target phone to WhatV  
6 phone. And it says [reading]: Yes, how long you think you  
7 going be?

8 836 is from WhatV to the target phone, and it says  
9 [reading]: 15 to 20.

10 835, same thing, from WhatV to the target phone, and it  
11 says [reading]: Make it little short.

12 834, same thing. It says [reading]: Only got 80 on me.

13 And then 833 is from the target phone to WhatV, and it  
14 says [reading]: Rd.

15 Q. In the course of your -- well, I believe you testified  
16 yesterday that you have experience conducting drug-trafficking  
17 organizations.

18 A. Yes, ma'am.

19 Q. Investigating drug-trafficking organizations; is that  
20 right?

21 A. Yes.

22 Q. And over the course of your experience, have you learned  
23 the price of a gram of heroin in the Baltimore area?

24 A. Sure. It will range from 80 to 120 dollars.

25 Q. I'll scroll to the next page.

~~MOORE - DIRECT~~

1 And can you read this exchange for us.

2 **A.** Yep. Line 805 is from the target phone to the number  
3 there, the 3552. And the text says [reading]: It's Perry.

4 804 and 803 are both from 3552 to the target phone. And  
5 they are [reading]: Still not sure. I'm bad with names.  
6 What's your old number?

7 And then it's [reading]: You still got 'em for 90?

8 And 802 is the target phone out to 3552 responding  
9 [reading]: Yeah.

10 **Q.** And in your experience investigating drug-trafficking  
11 organizations, is it common or uncommon for drug dealers to  
12 give a different name to drug customers?

13 **A.** Very common.

14 **Q.** Can you read this text message to the phone for us.

15 **A.** [Reading]: Can I just grab a half? I thought I would be  
16 getting paid more, but I didn't. What's that, \$50?

17 **Q.** And can you read this text message to the phone here.

18 **A.** [Reading]: How is that from JR on a 1 to 10?

19 **Q.** I'm sorry. I believe I said "to the phone." Is that  
20 text message to or from the phone?

21 **A.** It's from the phone.

22 **Q.** And then do you see that there are two messages to the  
23 phone down below from that same number?

24 **A.** Yep.

25 **Q.** And would you mind reading those?

~~MOORE - DIRECT~~

1 **A.** 725 is [reading]: Bob kept everything. I did not get any  
2 of yours, as I would have liked. But judging on how Melissa  
3 was acting, I say it was a 10. And she had pins and ...

4 And then it continues on 724.

5 [Reading]: . . . needles and I have known her a -- I have  
6 known her here a long time, and she rarely gets shit that good  
7 to do that to her. So I think it must be awesome, my friend.

8 **Q.** I'm going to scroll to Page 7.

9 Can you read this exchange for us.

10 **A.** Sure. 510 is incoming to the phone, and it says  
11 [reading]: You got some boy?

12 508 is outgoing to that phone and says [reading]: Yes.

13 **Q.** And can you read this exchange for us.

14 **A.** Sure. Incoming to the phone [reading]: How much for a  
15 pack?

16 Outgoing from the phone [reading]: I got grams.

17 **Q.** Scrolling to Page 8 and the continuation of that  
18 conversation, can you just tell us the text messages that  
19 continued that conversation.

20 **A.** Sure. Outgoing is [reading]: A pack for 200.

21 Incoming is [reading]: How many?

22 Outgoing [reading]: How many you need?

23 Incoming [reading]: 30-pack. Is it the bomb?

24 And then outgoing [reading]: Like a 8.

25 **Q.** Now, I want to direct your attention to the second-to-last

~~MOORE - DIRECT~~

1 text message here. Do you see that there's a text from the  
2 phone to that 7556 number that you identified as  
3 Ariel Johnson's?

4 **A.** Yes, ma'am.

5 **Q.** And what does that text say?

6 **A.** It says [reading]: Cooling frl wit E and Creams. I'm  
7 sick as a bitch.

8 **Q.** Was there a subject of your investigation who went by E?

9 **A.** Yes. That's Ed Pollard.

10 **Q.** And I'm going to show you Government's Exhibit IND-68.  
11 Who is that?

12 **A.** That's Ed Pollard.

13 **Q.** Was there a subject of your investigation who went by  
14 Creams?

15 **A.** Yes. That's Shakeen Davis.

16 **Q.** And is he sitting here in the courtroom today?

17 **A.** He is. He is directly behind you.

18 **Q.** Turning back to Government's Exhibit CELL-5-A and Page 8.  
19 I'm going to scroll now to Page 9.

20 And could you read this exchange for us.

21 **A.** 343 is incoming to the phone, and it says [reading]: Yo,  
22 can I get a 5-piece? 'Cause that shit was up the house. Went  
23 bad. The cut ate it up really bad.

24 307 is incoming again from the same number, and it says  
25 [reading]: WYD? Question mark.



~~MOORE - DIRECT~~

1 And 306 is outgoing from the target phone, and it says  
2 [reading]: Up da way wit Creams, WYD.

3 Q. And can you read this text message to the 7556 number.

4 A. [Reading]: This rain make it tough, and I parked over  
5 there 'cause I didn't want no police hassle knowing I was going  
6 to be up the store and somebody stole me drugs.

7 Q. I'm going to scroll to the next page.

8 Can you read this text exchange for us.

9 A. Incoming from the 5525 is [reading]: Wya -- I'm sorry.

10 Yeah, incoming and then outgoing from the target phone is  
11 [reading]: Forest Park and Windsor Mill.

12 Q. Was Forest Park and Windsor Mill significant to your  
13 investigation?

14 A. Yes. That's the location of the BP gas station.

15 Q. And I'd like to have you read this text message from the  
16 phone for us.

17 A. Sure. [Reading]: 1215 Ellen Drive, and you have family  
18 put Dundalk. Jimmy told me everywhere to find you, so don't  
19 ever think you just took that you -- and it's blacked out --  
20 watch when I see you going. Wish you -- you going wish you  
21 ain't never play wit me and take from my family, bitch. I got  
22 mouths to feed, and you think you can just steal from me. I  
23 promise you and guarantee you I'ma run into you sooner than you  
24 think. Watch, you little -- blacked out. I'ma make you feel  
25 this when I run into you. Peace. I see you around. Have a

~~MOORE - DIRECT~~

1 blessed life.

2 Q. And do you see that there are two text messages sent from  
3 the phone to the number you identified as Ariel Johnson's here?

4 A. Yes, ma'am.

5 Q. Could you read those text messages for us.

6 A. Sure. 163 is [reading]: OMW up da way to get a dirt  
7 bike, then back down Benn.

8 And 159 is [reading]: Yes, bae. My phone was dead. I'm  
9 riding the bike.

10 Q. And what's the date of those messages?

11 A. August 4th, 2016.

12 Q. Scrolling down to Page 11.

13 What's the date of these text messages at the top here?

14 A. August 5th, 2016.

15 Q. And can you read that exchange for us.

16 A. Sure. 134 and 133 are both incoming, and they are  
17 [reading]: Get a box of rubber gloves.

18 [Reading]: We don't wanna touch nothin'.

19 132 is outgoing.

20 [Reading]: Come on, yo. You hot. That's a mandatory  
21 porgie. "N" word ain't crazy now.

22 Incoming on Line 130 is [reading]: Already.

23 Outgoing, Line 129, is [reading]: Already.

24 Q. Agent Moore, I believe you testified that the  
25 Ricardo Johnson murder happened on August 10th of 2016?

~~MOORE - DIRECT~~

1 A. Yes, ma'am.

2 Q. So are these text messages five days before that?

3 A. They are.

4 Q. Do you see the exchange here from August 5th of 2016 with  
5 the number ending in 4194?

6 A. Yes, ma'am.

7 Q. And can you read that exchange slowly for us, please.

8 A. Sure. Line 118 is [reading]: Wht happened?

9 117 [reading]: I'm omw. Had to take care of my family.

10 116 is outgoing also: [reading]: Grab three black  
11 Jimmy Macks.

12 115, outgoing also [reading]: Two including you.

13 Q. And I want to -- can you actually read that 4114 [sic]  
14 number for us, for the record.

15 A. That's 1 (667) 228-4194.

16 Q. And I'm going to pull back up an exhibit we looked at  
17 yesterday, Government's Exhibit CELL-9-A which has been  
18 identified as excerpts from the certified extraction report for  
19 a cell phone recovered from Dwight Jenkins.

20 And can you read the number associated with Cream here  
21 (indicating).

22 A. (667) 228-4194.

23 Q. And can you remind us who Cream is.

24 A. That's Shakeen Davis.

25 Q. I'm sorry. I guess I should ask: Was there a subject of

~~MOORE - DIRECT~~

1 your investigation who went by Cream?

2 **A.** Yes. It's Shakeen Davis.

3 **Q.** And I'm pulling back up Government's Exhibit CELL-5-A,  
4 Page 11.

5 Do you see the messages on August 6th of 2016 exchanged  
6 with this number ending in 6280?

7 **A.** Yes, ma'am.

8 **Q.** And can you read those messages for us.

9 **A.** Sure. Line 105 [reading]: Love you, cuz. We going get  
10 rich and beat the streets, I'm telling you.

11 Line 104 [reading]: Already love you more, bro. And I  
12 already know that we going get da bag and keep it.

13 Line 103 is incoming. It says [reading]: 1000.

14 Line 102 is outgoing and says [reading]: No question.

15 **Q.** I'm going to scroll down to Page 12.

16 And do you see that there are additional messages  
17 exchanged with the 4194 number that you just identified as a  
18 number saved to Cream in Dwight Jenkins' phone?

19 **A.** Yes.

20 **Q.** And can you read those messages for us.

21 **A.** 55 is outgoing to the phone -- I'm sorry, incoming to the  
22 phone and says [reading]: You good? Question mark.

23 54 is outgoing [reading]: Hell, yeah, bro. I got holla  
24 at you. O just left ggs and Q. WYD. THO.

25 53 is incoming to the device [reading]: Sht in the house.

~~MOORE - DIRECT~~

1 52 is outgoing [reading]: Already we got get the papers,  
2 bro.

3 51 is incoming. It says [reading]: Fr.

4 50 is incoming [reading]: Shit ain't lookin' too good.

5 49 is outgoing [reading]: I know, bro. Frl. So wrong.  
6 Gotta give like yesterday.

7 **Q.** Can you read this message from August 9th of 2016.

8 **A.** Sure. Line 20 is incoming. It says [reading]: What's up  
9 with that lick, bro?

10 **Q.** I'm going to scroll to Page 13.

11 Do you see that there are some messages from August 10th  
12 of 2016 on this page?

13 **A.** Yes, ma'am.

14 **Q.** And I want to first ask you to read these text messages  
15 with the 6280 number here at the top.

16 **A.** Sure. 14 is incoming. It says [reading]: My N for life.  
17 We going beat these streets.

18 13 is outgoing from the device, and it says [reading]:  
19 Already.

20 **Q.** And what's the time of those messages?

21 **A.** Line 14 is 5:51 a.m. Line 13 is 6:22 a.m.

22 **Q.** Do you see that there is a message -- message sent to this  
23 phone from the number ending in 5525 on August 10th at  
24 11:18 a.m.?

25 **A.** Yes, ma'am.

~~MOORE - DIRECT~~

1 Q. And what is that message?

2 A. It's a screenshot of a murder\_ink newspaper article. And  
3 the title is "Search for witnesses after man found fatally shot  
4 in back of minivan by Light Rail station."

5 Q. And can you remind us where Ricardo Johnson's body was  
6 found.

7 A. In the 2100 block of Kloman Street near the Light Rail  
8 tracks.

9 Q. And does this article or what we see of it here mention  
10 the victim's identity?

11 A. It does not.

12 Q. I'm going to scroll to Page 14. Can you read this message  
13 from the 1548 number on August 10th at 6:23 a.m.

14 A. Sure. It says [reading]: Hit me when you get in.

15 Q. And what does the next one from that number say?

16 A. It's at 3:00 p.m. August 10th, and it says [reading]: Hit  
17 me. Let me know you good, bro.

18 Q. Do you see that there is a missed call and then an  
19 outgoing call to that number ending in 7556 that you identified  
20 as Sydni Frazier's girlfriend, Ariel Johnson?

21 A. Yes, ma'am.

22 Q. And can you tell us the time of those calls.

23 A. The missed call is 12:50 in the morning on August 10th,  
24 and the outgoing call is 2:43 in the morning on August 10th.

25 Q. And I actually want to back up to Page 12.

~~MOORE - DIRECT~~

1 And do you see that there's a text from that 7556 number  
2 on August 10th at 1:15 in the morning?

3 A. Yes, ma'am.

4 Q. And what does that text say?

5 A. [Reading]: Are you okay?

6 Q. And scrolling back down, do you see that there is another  
7 incoming from that 7556 number that you identified as  
8 Ariel Johnson's at 4:42 a.m.?

9 A. Yes, ma'am.

10 Q. And outgoing to that number at 5:16 a.m.?

11 A. Yes.

12 Q. And outgoing to that number at 6:13 a.m. and 6:45 a.m.?

13 A. Yes, ma'am.

14 Q. I want to highlight for you here. Do you see that there's  
15 an outgoing call to the 4194 number you identified as saved to  
16 Cream at 3:07 a.m. on August 10th?

17 A. Yes, ma'am.

18 Q. I'm going to scroll to Page 15 of this document.

19 Do you see the section called "Selected Web Searches"?

20 A. Yes.

21 Q. Can you read those searches for us.

22 A. Sure. The first is [reading]: Teflon coated bullets.

23 The next is [reading]: Most expensive bullets.

24 The next one is [reading]: Mixing 2 cycle oil with gas  
25 for dirt bike.

~~MOORE - DIRECT~~

1 And the last is [reading]: Easiest way to pop wheelie on  
2 a dirt bike.

3 Q. And do you see the section titled "Video" down below?

4 A. Yes.

5 Q. And can you tell us the date that the video highlighted  
6 here was created.

7 A. It's July 27th, 2016.

8 Q. And have you had a chance to review the corresponding  
9 video indicated in these excerpts?

10 A. Yes.

11 Q. I'd like to play for you a portion of that video, and this  
12 is going to be Government's Exhibit CELL-5-B.

13 And I'm going to play a short portion from 1 minute and  
14 44 seconds to 2 minutes and 10 seconds.

15 And before I do that, let me ask you: Have you had an  
16 occasion to interact with Sydney Frazier in person?

17 A. Yes.

18 Q. Have you listened to jail calls made by Sydney Frazier?

19 A. Yes, ma'am.

20 Q. Have you become familiar with Sydney Frazier's speaking  
21 voice?

22 A. I have.

23 Q. I'm going to skip to 1 minute and 44 seconds.

24 And before I start playing, let me ask you: Is there  
25 visual -- is there video that's part of this -- do you actually



~~MOORE - DIRECT~~

1 see anything in this video?

2 **A.** You don't.

3 **Q.** Can you explain.

4 **A.** It appears to be a pocket dial, so it -- it seems like  
5 it's in somebody's coat pocket or pants pocket.

6 **MS. HOFFMAN:** I apologize. We're turning the sound  
7 back on.

8 (Audio was played but not reported.)

9 **BY MS. HOFFMAN:**

10 **Q.** Do you recognize the person speaking there?

11 **A.** That's Sydni Frazier.

12 (Audio was played but not reported.)

13 **BY MS. HOFFMAN:**

14 **Q.** Did you hear what Mr. Frazier said there?

15 **A.** Yes.

16 **Q.** Can you tell us what you heard.

17 **A.** Yes. He asked if somebody tried to do something to Moose,  
18 which is a reference to another person.

19 He then asked if -- somebody said that that was his  
20 brother. And he said, Well, if -- you know, he been told and  
21 he said it again. And then he said, If my brother was a rat, I  
22 might have to kill him.

23 **Q.** I'm going to show you Government's Exhibit CELL-6-A.

24 Well, first let me ask you, you mentioned that you  
25 received evidence that was recovered from the 2100 block of

1 Tucker Lane; is that right?

2 A. Yes, ma'am.

3 Q. And that included two cell phones?

4 A. Yes.

5 Q. Was one of those cell phones hand-searched?

6 A. Yes.

7 Q. And have you -- what is a hand search? Can you explain.

8 A. Essentially, it means that the device is not compatible  
9 with the electronic software to search a cell phone. So you  
10 have to manually go through it and take out contacts and  
11 text messages, things of that nature.

12 Q. And I'm going to show you Government's Exhibit CELL-6-A.

13 And can you tell us what we're looking at here.

14 A. This is the contact book from that phone.

15 Q. And from which phone are you referring to?

16 A. The one that was hand-searched, the 0282 search.

17 Q. And is this one of the phones that you received as  
18 evidence recovered from the 2100 block of Tucker Lane?

19 A. Yes, ma'am.

20 Q. And have you checked the hand search of this phone to  
21 ensure its accuracy?

22 A. I have. It is.

23 Q. And I'd like to direct you to Page 2. Was there any data  
24 in this phone indicating who used the phone?

25 A. Yes, there was.

~~MOORE - DIRECT~~

1 Q. I'd like to direct your attention to some messages here.

2 Can you remind us -- do you recognize the 7556 number?

3 A. It's Ariel Johnson's cell phone.

4 Q. And do you see this message on June 26th, 2016 [reading]:  
5 Kam acting crazy (indicating)?

6 A. Yes.

7 Q. And do you know, does the name Kam have any significance  
8 to your investigation?

9 A. It does. It's the child that Mr. Frazier and Ms. Johnson  
10 share.

11 Q. I'm going to scroll to Page 3.

12 Well, first let me scroll up.

13 Do you see that it says [reading]: Messaging inbox here?

14 A. Yes.

15 Q. Does that mean that these are text messages sent to the  
16 phone in question?

17 A. Yes. They're all incoming.

18 Q. Do you see the text message here, the incoming message?

19 [Reading]: You around or what, buddy? I'm down here  
20 already need one more of the white. It's me, Barry?

21 A. Yes, ma'am.

22 Q. Can you read this message for us.

23 A. [Reading]: Oh, okay. It's powder and not sticky shit.

24 Q. Scrolling to the next page, can you read this incoming  
25 message.

~~MOORE - DIRECT~~

1 A. [Reading]: I'll have 120, too. So -- "120, too," as in  
2 "also."

3 [Reading]: So whatever you can do for me, that just make  
4 it -- make sure the g is separate and don't say nothing when  
5 you give it to . . .

6 Q. Scrolling to Page 5, what does this message say?

7 A. [Reading]: Come on, Sydni.

8 Q. And what's the date of that message?

9 A. June 29th, 2016.

10 Q. I'll scroll to Page 7.

11 Do you see that there are messages from that 4194 number  
12 you identified as Cream in Dwight Jenkins' phone?

13 A. Yes, ma'am.

14 Q. Can you read those incoming messages.

15 A. Sure. The first at the top is [reading]: Whoa. You up?  
16 I need some belts, brother.

17 And the next is [reading]: Already. And see what's up  
18 wit gg's and see if yo trying be the great escape because we  
19 gotta get active.

20 Q. Scrolling to Page 8, can you read that message for us.

21 A. [Reading]: If it's not a powder, I don't want it. I lost  
22 that one custy cause that.

23 Q. And can you read the continuation of that message.

24 A. Yep. [Reading]: Last stuff didn't do nothing at all.

25 Q. And the next message that's incoming?

~~MOORE - DIRECT~~

1 A. [Reading]: Okay, man. Yeah, I have to try the shitbfirst  
2 first before I buy again.

3 Q. Can you read this incoming message from July 6th of 2016.

4 A. [Reading]: On my way. Where do I jgo, Bennett or Forest?

5 Q. Can you read this incoming message on July 6th of 2016.

6 A. [Reading]: Dude, that white shit was trash. Man, no  
7 good. Damn, Perry, got my girl's nose bleeding.

8 Q. Scrolling to Page 12, can you read these incoming  
9 messages.

10 A. The first is [reading]: You down benben?

11 The second is [Reading]: Run out mins. You down Bennett?

12 Q. And Page 13, do you see the incoming message, these  
13 incoming messages?

14 A. The first is [reading]: Yo, you dwn Bennett? I need you  
15 rey quick.

16 And the seconds is [reading]: Ard. I'm rey come right  
17 there. I need 2 pills.

18 Q. Bottom of Page 15, can you read the incoming message from  
19 July 13th of 2016.

20 A. [Reading]: I'm down here. You got any ready?

21 Q. Scrolling to Page 17, can you read the incoming message  
22 from July 16th, 2016.

23 A. [Reading]: Syd, you driving? Question mark.

24 Q. Scrolling to Page 19, do you see that there are a few  
25 messages referencing Syd on this page?

~~MOORE - DIRECT~~

1 A. Yes, ma'am.

2 Q. Scrolling to Page 21, can you read these incoming  
3 messages.

4 A. Sure. The first is [reading]: Hey, baby. The stuff was  
5 no good, baby. Did not feel anything off of it. Me, Morgan,  
6 or Corey. So 3 of us didn't feel it.

7 The second is [reading]: The caps were better.

8 Q. Scrolling down to Page 24, do you see the incoming message  
9 on July 17th that says [reading]: Creams got dat?

10 A. Yep.

11 Q. And do you see the incoming message on July 17th that says  
12 [reading]: Let me know s6 I can put this shit up. You got me  
13 out here dirty?

14 A. Yes.

15 Q. I'm sorry.

16 A. That's outgoing.

17 Q. Yes. Scrolling up to Page 23, do you see that it now says  
18 [reading]: Messaging sent?

19 A. Yes, ma'am.

20 Q. And are the following messages now sent messages from the  
21 phone?

22 A. Yes, that's correct.

23 Q. At the bottom of Page 25, do you see the sent message here  
24 that says [reading]: Down Bennett?

25 A. Yes, ma'am.

~~MOORE - DIRECT~~

1 Q. Page 26, do you see the sent message on July 19th that  
2 says [reading]: Down Ben?

3 A. Yes, ma'am.

4 Q. Can you read the sent message from July 27th, 2016, here.

5 A. [Reading]: Yo, this Sid. Yo, keep our business between  
6 us nd dnt 4 get my ticket. Was three times y'all's. I got pay  
7 my peoples and y'all got pay ya peoples da same money. Y'all  
8 fucked up. I did but more.

9 Q. And then Page 27, do you see the sent messages here on  
10 August 9th of 2016?

11 A. Yes, ma'am.

12 Q. And when is that in relation to the Ricardo Johnson  
13 murder?

14 A. The day before.

15 Q. And can you read what those sent messages say.

16 A. Sure.

17 From top to bottom, it says: [reading]

18 Testers.

19 Got fire back.

20 What's up, baby? Got some fire.

21 What's up?

22 Perry.

23 And the last is [reading]: Who didmws.

24 Q. Now, I want to direct your attention to December 2016 and  
25 January of 2017.

~~MOORE - DIRECT~~

1 Did you -- without telling me what the notification was,  
2 did you receive a notification of a ballistics finding --  
3 ballistic and DNA findings relevant to the murder of  
4 Ricardo Johnson?

5 A. I did.

6 Q. And did you make an arrest?

7 A. I did.

8 Q. Who did you arrest?

9 A. Sydni Frazier.

10 Q. When did you arrest Sydni Frazier?

11 A. January 25th, 2017.

12 Q. And can you tell us how the arrest unfolded.

13 A. Sure. We were waiting outside of his house in Upper -- in  
14 7002 Upper Mills Circle. We saw Sydni Frazier come out of his  
15 house and go to --

16 Q. I'm sorry. Whose house did you say that was?

17 A. That was a house he shared with Ariel Johnson and her mom.

18 We saw Mr. Frazier exit and approach a black Honda. He  
19 then went to the car, went back to the house, and a couple  
20 minutes later came back out carrying an empty car seat, like a  
21 baby car seat. At that time we approached him and placed him  
22 under arrest without incident.

23 Q. And you may have just said this and I missed it. Who was  
24 he with at the time?

25 A. Ariel Johnson.



~~MOORE~~ - ~~DIRECT~~

1 Q. Did you conduct a search of Sydney Frazier's person?

2 A. I did.

3 Q. And what, if anything, did you recover?

4 A. Three cell phones and about 5 grams of heroin. It was a  
5 gross weight of heroin. There was also some U.S. currency and  
6 a set of house keys. We gave the currency and house keys back  
7 to Ms. Johnson.

8 Q. I'm going to approach and show you  
9 Government's Exhibit D-23.

10 (Hanging.)

11 Can you tell us what you're looking at there.

12 A. Those are the drugs recovered from Mr. Frazier.

13 Q. And were those drugs -- was the drug evidence submitted to  
14 the BPD laboratory for testing?

15 A. It was.

16 Q. And you mentioned that there were cell phones recovered.

17 I'm going to approach and show you  
18 Government's Exhibit CELL-7 and CELL-8.

19 (Hanging.)

20 Can you tell us what Government's Exhibit CELL-7 is.

21 A. CELL-7 is a -- it's a blue-and-black AT&T flip phone.

22 Q. And what about CELL-8?

23 A. It's a black ZTE smartphone, cell phone.

24 Q. After placing Sydney Frazier under arrest, did you advise  
25 him of his Miranda rights?

~~MOORE~~ - ~~DIRECT~~

1     **A.**    I did.

2     **Q.**    And did he waive his rights?

3     **A.**    He did.

4     **Q.**    I'm going to show you Government's Exhibit INT-2-A.

5           What are we looking at here?

6     **A.**    That is an explanation and waiver of Miranda rights,  
7     signed by Sydni Frazier.

8     **Q.**    Did Sydni Frazier participate in an interview?

9     **A.**    He did.

10    **Q.**    Did you participate in that interview?

11    **A.**    I did.

12    **Q.**    Where did the interview take place?

13    **A.**    It's in our office here downtown in the federal building.

14    **Q.**    Is that ATF's office?

15    **A.**    Yes, ma'am.

16    **Q.**    Who was with you, if anyone?

17    **A.**    BPD Detective Gary Niedermeier from Homicide.

18    **Q.**    And was the interview recorded?

19    **A.**    It was.

20    **Q.**    I'm going to play you Government's Exhibit INT-2.

21           And the transcript starts on Page 4 of the interview tab  
22     of the transcript binders.

23           I'm going to start it at 3 minutes and 5 seconds in, which  
24     is actually at the bottom of Page 5 of that tab.

25           So I'm going to start it at 3 minutes and 5 seconds,

~~MOORE - DIRECT~~

1 starting in the transcript at the very bottom where it says,  
2 "How about that guy?"

3 And this video will be about 7 minutes long.

4 (Video was played but not reported.)

5 **BY MS. HOFFMAN:**

6 **Q.** And I'm going to pause it there.

7 Who did Detective Niedermeier just show Sydney Frazier a  
8 picture of?

9 **A.** Dwight Jenkins.

10 **Q.** And was Dwight Jenkins a subject of your investigation?

11 **A.** Yes, he was.

12 **Q.** And did he go by any nicknames?

13 **A.** Huggie or Unc.

14 (Video was played but not reported.)

15 **MS. HOFFMAN:** Sorry. I didn't mean to pause it just  
16 yet.

17 (Video was played but not reported.)

18 **BY MS. HOFFMAN:**

19 **Q.** Who did Detective Niedermeier just show Sydney Frazier a  
20 picture of?

21 **A.** That's Ricardo Johnson.

22 (Video was played but not reported.)

23 **BY MS. HOFFMAN:**

24 **Q.** And what did Detective Niedermeier just show Sydney Frazier  
25 a picture of?

~~MOORE - DIRECT~~

1 A. It's a still photo, like a screen capture from security  
2 camera footage.

3 Q. And which security camera footage?

4 A. It's the security camera footage taken the day of  
5 August 10th in the afternoon that was of a foot chase with  
6 police.

7 Q. And where did that take place?

8 A. That was at -- outside of 2100 Tucker Lane.  
9 (Video was played but not reported.)

10 BY MS. HOFFMAN:

11 Q. Agent Moore, I want to start just by showing you  
12 Government's Exhibit IND-50 here.

13 And who is this?

14 A. That's Dwight Jenkins.

15 Q. Is this the photo that -- the first photo that I asked you  
16 about that Detective Niedermeier showed Mr. Frazier?

17 A. Yes, ma'am.

18 Q. And then I'm going to show you  
19 Government's Exhibit IND-54.

20 Well, first let me ask you, did you hear or do you recall  
21 when Mr. Frazier said, "We never really dealt with each other"?

22 A. Yes.

23 Q. I'm going to show you Government's Exhibit IND-54.

24 Who's that?

25 A. That's Ricardo Johnson.

~~MOORE - DIRECT~~

1 Q. And is that the second photo that I asked you about that  
2 Detective Niedermeier showed Sydni Frazier?

3 A. Yes.

4 Q. And do you recall Mr. Frazier said when  
5 Detective Niedermeier asked, "You don't know him either?" what  
6 did Mr. Frazier say?

7 A. "I've never seen him."

8 Q. And then I'm going to show you  
9 Government's Exhibit SF-10-D.

10 And what are we looking at here?

11 A. That's the still photo that Detective Niedermeier showed  
12 Sydni Frazier.

13 Q. And what did Sydni Frazier say with respect to that photo?

14 A. "I don't know who that is."

15 Q. Did you hear or do you recall Mr. Frazier telling you that  
16 he never rides dirt bikes?

17 A. Yes.

18 Q. And do you recall him telling you that he never wears  
19 gloves?

20 A. Yes.

21 Q. I'm going to show you Government's Exhibit SM-41.

22 What are we looking at here?

23 A. That would be Sydni Frazier riding a dirt bike.

24 Q. And what is the profile name on the right?

25 A. "Sydni Frazier."

~~MOORE - DIRECT~~

1 Q. And what's the location of this picture?

2 A. That's the BP at the Forest Park and Windsor Mill  
3 intersection.

4 Q. I'm going to show you Government's Exhibit SM-20.  
5 And can you tell us what we're looking at here.

6 A. Yeah. That's certified business records from Instagram.

7 Q. And can you tell us the vanity name of this account.

8 A. It is rip\_bigsidnbarakaat.

9 Q. And can you tell us the registered e-mail address for this  
10 account.

11 A. Lilsid5200@yahoo.com.

12 Q. And is that the same e-mail address that we saw from the  
13 excerpts of Government's Exhibit CELL-5-A?

14 A. Yes, ma'am.

15 Q. And was that the phone ending in 8950?

16 A. Yes, ma'am.

17 Q. Were you able to determine who was operating this  
18 Instagram account?

19 A. Sydni Frazier.

20 Q. How were you able to determine that?

21 A. The majority of the posts are posted by him, or there's  
22 pictures of him. And it appears to be his person operating it  
23 or him operating it.

24 Q. I'm going to show you Page 103 of this exhibit, which is  
25 Page 772 of the Instagram business record.

~~MOORE~~ - ~~DIRECT~~

1           What are we looking at here?

2   **A.**   That's Sydni Frazier on a dirt bike.

3   **Q.**   And can you tell us -- do you see where it says "status"  
4 here? What does it say here?

5   **A.**   "Deleted by user."

6   **Q.**   And I'm going to show you Government's Exhibit SM-42.

7           What are we looking at here?

8   **A.**   That's Sydni Frazier on a dirt bike wearing gloves.

9   **Q.**   Agent Moore, you testified that Ricardo Johnson was killed  
10 on August 10th of 2016.

11           Was ATF up on a wiretap in the summer of 2016?

12   **A.**   Yes, we were.

13   **Q.**   Did your wiretap investigation reveal whether or not  
14 Ricardo Johnson had a dispute with any of the subjects of your  
15 investigation?

16   **A.**   It did.

17   **Q.**   I'm going to play for you a few calls from  
18 Government's Exhibit Wire 1, which has been identified as a  
19 disc of wire calls intercepted over a cell phone belonging to  
20 Dwight Jenkins, who you also identified as Unc or Huggie.

21           I'm going to start by playing you Government's Exhibit --  
22 or Call No. TT-1-1202, which is on Page 9 of the wire call tab  
23 of the transcript binders.

24           Agent Moore, can you start by telling us the date and time  
25 of this call.

1     **A.**    It's July 17th, 2016, at about 11:11 in the evening.

2     **Q.**    And can you tell us the participants in this call.

3     **A.**    Dwight Jenkins and Jamal Lockley.

4     **Q.**    And I believe you testified yesterday that you became  
5   familiar with Jamal Lockley's voice over the course of your  
6   investigation.

7           Did you become familiar with Dwight Jenkins' voice?

8     **A.**    Yes, ma'am.

9     **Q.**    I'm going to play this call.

10           (Audio was played but not reported.)

11   **BY MS. HOFFMAN:**

12   **Q.**    Do you recognize the voices of the people talking there?

13   **A.**    Yes. It's Jamal Lockley and Dwight Jenkins.

14   **Q.**    And did you hear Mr. Jenkins describe an altercation with  
15 someone he referred to as Rick?

16   **A.**    Yes.

17   **Q.**    And did you hear Jamal Lockley say, "Say no more, man.  
18 Put yo together"?

19   **A.**    Yes.

20   **Q.**    Did you hear Jamal Lockley say, "We going to put yo  
21 together, man"?

22   **A.**    Yes, ma'am.

23   **Q.**    I'm going to play you now Government's Exhibit TT-1-1203.

24           I'm sorry. This is on Page 11 of the transcript binders.

25           Can you read the date and time of this call.



~~MOORE - DIRECT~~

1 A. Yes, ma'am. It's July 17th, 2016, at approximately  
2 11:21 p.m.

3 Q. And when is that in relation to the Ricardo Johnson  
4 murder?

5 A. A little less than a month before.

6 Q. And who are the participants in this call?

7 A. Dwight Jenkins and an unknown male.

8 (Audio was played but not reported.)

9 BY MS. HOFFMAN:

10 Q. And did you recognize the participant -- the voices of any  
11 of the participants there?

12 A. Yes; Dwight Jenkins.

13 Q. And did you hear when Mr. Jenkins said, "I said, bitch,  
14 you can't even come in the neighborhood no more"?

15 A. Yes, ma'am.

16 Q. I'm going to play you Government's Exhibit T -- I'm sorry,  
17 Call No. TT-1-1218, which is on Page 16 of the transcript  
18 binders.

19 And can you read the date and time of this call.

20 A. It's July 18th, 2016, at approximately 7:23 p.m.

21 Q. And is that the day after the calls we just listened to?

22 A. Yes, ma'am.

23 Q. And who are the participants in this call?

24 A. Again, Dwight Jenkins and an unknown male.

25 Q. And I'm going to -- it's a lengthy call. I'm going to

~~MOORE - DIRECT~~

1 start at 4 minutes and 17 seconds, which is on Page 22 of the  
2 transcript binder. And it's going to start towards the top  
3 here with, "Yo, that shit fucked me up."

4 (Audio was played but not reported.)

5 **BY MS. HOFFMAN:**

6 **Q.** Is there an audio glitch here?

7 **A.** Yes.

8 (Audio was played but not reported.)

9 **BY MS. HOFFMAN:**

10 **Q.** I'm going to pause it there.

11 Agent Moore, did you hear early on in the conversation --  
12 first of all, did you recognize any of the voices in that call?

13 **A.** Yes; Dwight Jenkins.

14 **Q.** And did you hear early in the portion we just listened to  
15 when Mr. Jenkins said -- or when the unknown male said he ran  
16 into Rick in a white Benz?

17 **A.** Yes.

18 **Q.** And then directing your attention here, Page 28 of the  
19 transcript binder, did you hear when Dwight Jenkins said,  
20 "Earlier yesterday, I'm down on Bennett standing in the middle  
21 of the street. Rick comes down the block. I'm talking to Syd.  
22 Syd like, There go Rick. Rick turns around and go back up the  
23 street. He, like, damn Unc, he owe me \$70"?

24 **A.** Yes, ma'am.

25 **Q.** And was there a subject of your investigation who went by

~~MOORE - DIRECT~~

1 Syd?

2 A. Yes.

3 Q. Who was that?

4 A. Sydni Frazier.

5 Q. And do you recall during the interview with Mr. Frazier  
6 when he was asked whether he knew the victim, Ricardo Johnson?

7 A. Yes.

8 Q. And what did he say?

9 A. He said, "No."

10 Q. Did you hear the discussion of Droid just a little bit  
11 after that?

12 A. Yes.

13 Q. Was there a subject of your investigation who went by  
14 Droid?

15 A. Yes.

16 Q. Who was that?

17 A. Jamal Lockley.

18 Q. Did you intercept other wire calls during your  
19 investigation showing a relationship between Dwight Jenkins and  
20 Sydni Frazier?

21 A. Yes.

22 Q. I'm going to play you Government's Exhibit TT-3 -- I'm  
23 going to play you two calls from Wire 3, which has been  
24 identified as a disc of wire calls intercepted over a  
25 cell phone belonging to Jamal Lockley, starting with call

~~MOORE - DIRECT~~

1 TT-3-4521, which is on Page 158 of the transcript binders.

2 (Audio was played but not reported.)

3 **BY MS. HOFFMAN:**

4 **Q.** I'm going to switch over to the ELMO here and put the  
5 transcript here.

6 Can you tell us the date and time of the call we just  
7 listened to.

8 **A.** It's August 1st, 2016, at approximately 7:53 p.m.

9 **Q.** And did you recognize the voices of any of the  
10 participants in that call?

11 **A.** I did.

12 **Q.** And did you hear when Mr. Jenkins said they locked Syd up?

13 **A.** Yes.

14 **Q.** I'm sorry. Did you say who the participants -- who you  
15 recognized?

16 **A.** Dwight Jenkins and Jamal Lockley.

17 **Q.** And was Sydni Frazier arrested around that time,  
18 August 1st of 2016?

19 **A.** Yes, he was.

20 **Q.** Did he stay in jail for long?

21 **A.** No, he did not.

22 **Q.** Was he -- can you explain.

23 **A.** Yeah. He -- I believe he was released either very late  
24 that night or very early the next morning.

25 **Q.** And I'm going to play you Government's Exhibit TT-3-4526,

~~MOORE - DIRECT~~

1 which is on Page 160 of the transcript binders.

2 Can you read the date and time of this call.

3 **A.** It's -- I'm still seeing the ELMO.

4 **Q.** Oh, sorry.

5 Can you tell us the date and time of this call.

6 **A.** Yep. It's August 1st, 2016, at approximately 7:59 p.m.

7 **Q.** The same day as the call we just listened to?

8 **A.** Yes, ma'am.

9 (Audio was played but not reported.)

10 **THE COURT:** Ms. Hoffman, just let me know when you get  
11 to a good stopping point.

12 **MS. HOFFMAN:** I think this is as good a time as any.

13 **THE COURT:** All right. Then we will stop for today,  
14 ladies and gentlemen.

15 We are not meeting tomorrow.

16 We are here on Thursday, so usual instructions. And  
17 please be back Thursday at 10:00 in the morning.

18 Thank you very much.

19 We'll excuse the jury.

20 (Jury excused at 5:01 p.m.)

21 **THE COURT:** We'll excuse the witness. Thank you.

22 **THE WITNESS:** Thank you, ma'am.

23 (Witness excused.)

24 **THE COURT:** All right. Before we adjourn, I have a  
25 question.

1 Ms. Perry, the additional documents that you gave me  
2 at lunchtime, the Enrollee Track Subpoena Report, the very tiny  
3 numbers that you tell me are GPS, what dates does this piece of  
4 paper cover?

5 **MS. PERRY:** Yes, Your Honor. It is actually the  
6 entire exhibit --

7 **THE COURT:** I'm sorry. Wait until you're back to the  
8 mic.

9 **MS. PERRY:** The full Enrollee Track Subpoena Report is  
10 the three-page document that was originally attached to the  
11 certification.

12 The dates are from February 8th, 2015, at 5:03 up  
13 until February 12th, 2015, at 23:59.

14 And I can provide Your Honor a full copy of that  
15 report if you would like. The screenshot was just to denote  
16 the heading of that.

17 **THE COURT:** Okay. So the screenshot, I see it does  
18 just say -- it says 1 out of 3. So, again, what was on the CD  
19 was the letter from Ashley Fuller to Danielle Winchester and  
20 the three pages --

21 **MS. PERRY:** Yes.

22 **THE COURT:** -- of GPS --

23 **MS. PERRY:** Raw data. Correct.

24 **THE COURT:** -- raw data. Okay.

25 And this appears to have been -- it's forwarded --

1 it's sent to you, but it's originally sent from Ashley Fuller  
2 to ASAP on February 26th.

3 How did that work?

4 **MS. PERRY:** That is correct. This was part of, I  
5 believe, the complication in getting the records originally  
6 that we discussed.

7 The Satellite Tracking of People company is the parent  
8 company. They actually control the data. They license the  
9 data to ASAP. And so while we served a subpoena on ASAP, they  
10 were unable to provide us with the full records. So we served  
11 a subpoena on Satellite Tracking of People. And they told us  
12 that they could provide the records, but only to ASAP to  
13 provide to us, since ASAP had the proprietary interest in the  
14 records themselves.

15 So Satellite Tracking of People would not provide us  
16 directly with the data, though they were able to certify it and  
17 it was forwarded to us from ASAP.

18 **THE COURT:** Okay. Thank you.

19 Any issues we should anticipate -- other than this one  
20 we've just been talking about, any issues we should anticipate  
21 for Thursday?

22 **MS. HOFFMAN:** Your Honor, we would like to re-recall  
23 Daniel Lamont on Thursday to have him testify regarding his  
24 review of the Terrell Gale file, and so I did want to flag that  
25 for Your Honor.

1 I understand -- I understood your ruling earlier to be  
2 that defense counsel should be given an opportunity to review  
3 the file and be prepared to cross-examine him. But we would  
4 like to re-call him on Thursday to testify just to that  
5 limited -- that limited point, and I don't expect it would be  
6 more than a minute or two on the stand.

7 **THE COURT:** Without saying what I'm going to do  
8 without hearing from defense counsel, it would be helpful -- I  
9 think the point was also that there had not been any updating  
10 of the expert report, any kind of, give a little brief summary  
11 of what this testimony was going to be --

12 **MS. HOFFMAN:** Sure. Absolutely.

13 So --

14 **THE COURT:** -- which you can put in writing and send  
15 that to everybody?

16 **MS. HOFFMAN:** Oh, sure. Yeah.

17 And I can also point out in the discovery that was  
18 turned over, there is included in the Terrell Gale file a  
19 report indicating that the firing-pin impression of  
20 the .40-caliber casings at the scene of the Terrell Gale  
21 shooting had a firing-pin impression that was elliptical.

22 And the firing-pin impression of the casings and live  
23 rounds from the scene of the February 8th shooting and the  
24 February 12th murder of Bangout were hemispherical firing-pin  
25 impressions. And that's from Mr. Wagster's report for the



1 Bangout murder.

2 So defense counsel, I believe they have both reports.  
3 And we can send -- we can certainly send an e-mail to defense  
4 counsel summarizing what we expect Mr. Lamont to testify to.

5 He would -- I can proffer that what he would testify  
6 is that those are different class characteristics. And so he's  
7 able to rule out, even without -- without even conducting a  
8 microscopic examination of the casings, he's able to rule out  
9 that they were fired from the same gun because they had  
10 different class characteristics.

11 **THE COURT:** Okay. And it would be helpful for me to  
12 know what was turned over when and what, again, you expect  
13 Mr. Lamont to say.

14 It doesn't have to be lengthy, but I think we just  
15 need to be clear about all that on the record. And I'll see  
16 what defense counsel has to say.

17 Any other issues?

18 (No response.)

19 **THE COURT:** Okay. I may or may not -- I have to look  
20 at my calendar -- have a chance to -- for just a quick  
21 conference call with at least selected counsel tomorrow. And  
22 if not, we'll just have to deal with it first thing on  
23 Thursday.

24 Okay. All right.

25 And I will excuse the gallery.

1 All right. We'll be excused until 10 o'clock on  
2 Thursday. Thank you.

3 (Court adjourned at 5:10 a.m.)

4  
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16  
17  
18 I, Douglas J. Zweizig, RDR, CRR, do hereby certify that  
19 the foregoing is a correct transcript from the stenographic  
20 record of proceedings in the above-entitled matter.

21  
22 /s/

23 Douglas J. Zweizig, RDR, CRR, FCRR  
24 Registered Diplomate Reporter  
25 Certified Realtime Reporter  
Federal Official Court Reporter  
DATE: November 14, 2019

**Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter**

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